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Letter dated 18 July 2011 from the Chairman of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea addressed to the President of the Security Council

On behalf of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, and in accordance with paragraph 6 (k) of Security Council resolution 1916 (2010), I have the honour to transmit herewith the report of the Monitoring Group on Somalia and Eritrea.

In this connection, the Committee would appreciate the present letter, together with its enclosure, being brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) H. S. **Puri**
Chairman
Security Council Committee pursuant to resolutions 751 (1992)
and 1907 (2009) concerning Somalia and Eritrea

Please recycle

Letter dated 20 June 2011 from the members of the Monitoring Group on Somalia and Eritrea addressed to the Chairman of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea

We have the honour to transmit herewith the report of the Monitoring Group on Somalia and Eritrea in accordance with paragraph 6 (k) of Security Council resolution 1916 (2010).

(*Signed*) Matt **Bryden**
Coordinator
Monitoring Group on Somalia and Eritrea

(*Signed*) Jörg **Roofthooft**
Maritime Expert

(*Signed*) Ghassan **Schbley**
Finance Expert

(*Signed*) Babatunde **Taiwo**
Armed Groups Expert

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Abbreviations

AIAI	Al-Itihaad Al-Islam
AMISOM	African Union Mission in Somalia
ALF	Afar Liberation Front
ARDUF	Afar Revolutionary Democratic United Front
ARS	Alliance for the Re-Liberation of Somalia
ASWJ	Ahlu Sunna wal Jama'a
COTAM	Commandement du transport aerién militaire
EPLF	Eritrean People's Liberation Front
FRUD	Front pour la restauration de l'unité et de la démocratie
GCC	Gulf Cooperation Council
ICAO	International Civil Aviation Organization
IMB	International Maritime Bureau
IMO	International Maritime Organization
NDA	National Democratic Alliance
NSUM	Northern Somali Unionist Movement
OLF	Oromo Liberation Front
ONLF	Ogaden National Liberation Front
PFDJ	People's Front for Democracy and Justice
RPG	Rocket-propelled grenade
SIPRI	Stockholm International Peace Research Institute
SOUDA	Somali Unity Defence Alliance
SPLA	Sudanese People's Liberation Army
SPLM	Sudanese People's Liberation Movement
SSCA	Sool Sanaag Cayn Army
UIC	Union of Islamic Courts
UNDP	United Nations Development Programme
UNPOS	United Nations Political Office for Somalia
UNSOA	United Nations Support Office for AMISOM
UPDF	Uganda People's Defence Forces
UWSLF	United Western Somali Liberation Front
WFP	World Food Programme
YPFDJ	Young People's Front for Democracy and Justice

Summary

It would be hard to conceive of two States that offer greater contrasts than Somalia and Eritrea: the former, a collapsed State for over two decades, with no functional national institutions; the latter, possessing the most highly centralized, militarized and authoritarian system of government on the African continent. From a sanctions monitoring perspective, however, the two countries present very similar challenges: in both cases, power is concentrated in the hands of individuals rather than institutions and is exercised through largely informal and often illicit networks of political and financial control. Leaders in both countries often depend more heavily on political and economic support from foreign Governments and diaspora networks than from the populations within their own borders. And both countries — in very different ways — serve as platforms for foreign armed groups that represent a grave and increasingly urgent threat to peace and security in the Horn and East Africa region.

More than half of Somali territory is controlled by responsible, comparatively stable authorities that have demonstrated, to varying degrees, their capacity to provide relative peace and security to their populations. Without exception, the administrations of Somaliland, Puntland, Gaalmudug, and "Himan iyo Heeb" evolved independently of centralized State-building initiatives, from painstaking, organic local political processes. Much of Galguduud region is controlled by anti-Al-Shabaab clan militias loosely unified under the umbrella of Ahlu Sunna wal Jama'a (ASWJ), but lacks a functional authority. Consolidation of and cooperation between such entities represents the single most effective strategy for countering threats like extremism and piracy, while expanding peace and security in Somalia.

Other southern anti-Shabaab militias, including the various factions of Ahlu Sunna wal Jama'a, "Azania State", and "Shabelle Valley State" appear to be proxies for neighbouring States rather than emergent local authorities, and it is unclear to what extent they may also be able to deliver enduring peace and security. To a certain extent, the resort to Somali proxy forces by foreign Governments represents a potential return to the "warlordism" of the 1990s and early 2000s, which has historically proved to be counterproductive.

The Transitional Federal Government of Somalia, whose mandate expires in August 2011, has left much of the country to Al-Shabaab, which controls the greater part of Somali territory between the Kenyan border and southern parts of Mudug and Galguduud regions. In Mogadishu, the African Union Mission in Somalia (AMISOM), together with pro-Transitional Federal Government militias, has made some limited gains against Al-Shabaab, but at a considerable cost in both military and civilian casualties. In the absence of a coherent Transitional Federal Government security sector, the most effective local allies of AMISOM are clan-based militias with loyalties to individual commanders and who look to the African Union rather than the Government for leadership and support. The intense fighting, combined with a serious drought and Al-Shabaab restrictions on access for humanitarian organizations, has triggered a new and acute humanitarian crisis, including a fresh exodus of refugees into neighbouring countries.

The principal impediments to security and stabilization in southern Somalia are the Transitional Federal Government leadership's lack of vision or cohesion, its endemic corruption and its failure to advance the political process. Arguably even more damaging is the Government's active resistance to engagement with or the empowerment of local, de facto political and military forces elsewhere in the country. Instead, attempts by the Government's leadership to monopolize power and resources have aggravated frictions within the transitional federal institutions, obstructed the transitional process and crippled the war against Al-Shabaab, while diverting attention and assistance away from positive developments elsewhere in the country.

The response of Al-Shabaab to military setbacks in Mogadishu, the central regions and the Juba Valley has been to aggressively expand its control over the southern Somali economy. Given its lack of popular support, political fractiousness and military limitations, Al-Shabaab's greatest asset today is its economic strength. The Monitoring Group on Somalia and Eritrea estimates that Al-Shabaab currently generates between US$ 70 million to US$ 100 million per year in revenue from taxation and extortion in areas under its control, notably the export of charcoal and cross-border contraband into Kenya. Given the corrupt and predatory practices of the Transitional Federal Government, many Somali businessmen find Al-Shabaab to be better for business, and from a purely commercial perspective have little interest in seeing the group displaced by the Government.

Al-Shabaab's core leaders have also responded to domestic difficulties by seeking to align themselves more closely with foreign jihadist entities and to provide a platform for like-minded groups in the region. The July 2010 Kampala bombings were the first successful Al-Shabaab operation beyond Somalia's borders. They also signalled a new and alarming trend, in which East African extremist groups inspired and mentored by Al-Shabaab, including the Muslim Youth Centre in Kenya, might represent the next generation of extremist threats in East Africa and the wider region.

Piracy remains another Somali-based threat to regional and international security. International counter-piracy efforts have made little or no headway in curbing the number of piracy attacks and hijackings, but they have helped to displace the threat further from Somali shores, threatening an even wider area. The enhanced risks and costs to pirates associated with operating at greater distances from shore have helped to drive up ransom demands and prolong negotiations for the release of hijacked vessels.

The burgeoning engagement in Somalia of private security companies, whether to deter pirates or to provide security on land, is of growing concern. The private security sector lacks a robust regulatory framework, and the operating practices of many private security companies are opaque. The Monitoring Group believes that at least two such entities have committed significant violations of the arms embargo by engaging in unauthorized training and equipping of Somali militias — one with the intention of trafficking in arms and narcotic drugs.

Eritrean involvement in Somalia continues to represent a small but troubling part of the overall equation. Asmara's continuing relationship with Al-Shabaab, for example, appears designed to legitimize and embolden the group rather than to curb its extremist orientation or encourage its participation in a political process. Moreover, Eritrean involvement in Somalia reflects a broader pattern of intelligence and special operations activity, including training, financial and logistical support to armed opposition groups in Djibouti, Ethiopia, the Sudan and possibly Uganda in violation of Security Council resolution 1907 (2009).

Eritrea's support for such groups can only be understood in the context of its unresolved border dispute with Ethiopia. It is also symptomatic, however, of the systematic subversion of the Government of Eritrea and party institutions by a relatively small number of political, military and intelligence officials, who instead choose to conduct the affairs of state via informal and often illicit mechanisms, including people smuggling, arms trafficking, money-laundering and extortion.

Such irregular financial practices, combined with direct financial contributions from ruling party supporters and some foreign States, as well as the imposition of a "diaspora tax" on Eritreans and foreign nationals of Eritrean origin living abroad, help to explain how a country as poor as Eritrea manages to sustain support for a variety of armed opposition groups across the region. From 2011 onwards, however, Eritrea's newly emerging mining sector — especially gold — is likely to become the country's principal source of hard currency.

During the course of the mandate, it is the Monitoring Group's assessment that the Eritrean leadership committed multiple violations of Security Council resolutions 1844 (2008) and 1907 (2009). Most significantly, in January 2011, the Government of Eritrea conceived, planned, organized and directed a failed plot to disrupt the African Union summit in Addis Ababa by bombing a variety of civilian and governmental targets. Although many Eritreans harbour profound and arguably legitimate grievances against Ethiopia for failing to implement the boundary decision that formally ended the 1998-2000 border war between the two countries, the means by which the leadership in Asmara apparently intends to pursue its objectives are no longer proportional or rational. Moreover, since the Eritrean intelligence apparatus responsible for the African Union summit plot is also active in Kenya, Somalia, the Sudan and Uganda, the level of threat it poses to these other countries must be re-evaluated.

Introduction

A. Mandate

1. The mandate of the Monitoring Group on Somalia and Eritrea is contained in paragraph 6 of Security Council resolution 1916 (2010), which was adopted on 19 March 2010.

2. Pursuant to paragraph 6 (j) of resolution 1916 (2010), the Monitoring Group kept the Security Council and its Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea informed, throughout the period of its mandate, of its activities by submitting monthly progress reports through the United Nations Secretariat and by providing a midterm briefing to the Committee on 9 February 2011.

3. In the course of their investigations, members of the Monitoring Group travelled to Belgium, Canada, Djibouti, Eritrea, Ethiopia, France, Germany, Italy, Lebanon, the Netherlands, Norway, Qatar, Romania, Somalia, South Africa, the Seychelles, the Sudan, Sweden, the United Republic of Tanzania, Uganda, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Yemen.

4. The Monitoring Group was based in Nairobi and comprised the following experts: Matt Bryden (Coordinator), Carolina Reyes (humanitarian),[1] Jörg Roofhooft (maritime), Ghassan Schbley (finance) and Babatunde Taiwo (armed groups).

5. For administrative reasons, the following members of the Group were not appointed as experts and therefore did not sign the final report of the Monitoring Group: Lynn Fredriksson, Jonah Leff, Aurélien Llorca and Dinesh Mahtani. However, for practical purposes these individuals functioned as full members of the investigative team, participated in a collective review and assessment of all evidence and findings and co-authored the final report. The Monitoring Group would like to acknowledge their invaluable participation in and contributions to the endeavour.

6. The Monitoring Group also wishes to acknowledge the voluntary contribution of Guillermo Bedoya, who prepared the Al-Shabaab taxation graphic that appears in annex 3.2.

B. Methodology

7. The evidentiary standards and verification processes outlined in the previous reports of the Monitoring Group apply to work conducted during the current mandate. The Monitoring Group reaffirmed its methodology pursuant to its previous reports (most recently, S/2010/91). The methodology used for the current report is as follows:

(a) Collecting information on events and topics from multiple sources, where possible;

(b) Collecting information from sources with first-hand knowledge of events, where possible;

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[1] Carolina Reyes joined the Monitoring Group in December 2010 and resigned in March 2011.

(c) Identifying consistency in patterns of information and comparing existing knowledge with new information and emerging trends;

(d) Continuously factoring in the expertise and judgement of the relevant expert of the Monitoring Group and the collective assessment of the Group with respect to the credibility of information and the reliability of sources;

(e) Collecting physical, photographic, video and/or documentary evidence in support of the information collected.

8. The Monitoring Group made a deliberate and systematic effort to gain access to those involved in violations by way of individuals who have direct knowledge or who know people who have direct knowledge about details of violations.

9. The Monitoring Group interviewed a wide range of sources with relevant information, including government officials, representatives from diplomatic missions, civil society organizations and aid agencies. Members of the Monitoring Group met with a number of Transitional Federal Government officials, including the Prime Minister, the Ministers for Foreign Affairs, Defence, Finance, Health, International Cooperation and Planning, Environment, and Women and Families, the Director General of the National Security Agency, the Head of Immigration and the Manager of Mogadishu Port. The Group also met or communicated with numerous officials from the Somaliland and Puntland administrations and numerous members of Somali civil society and political and armed groups.

10. Eritrea poses a particular challenge with respect to information gathering. Due to restrictions on the movement of foreigners, including United Nations personnel and diplomats within the country, as well as the total absence of independent media or non-governmental organizations, the Monitoring Group has relied primarily on diaspora sources in order to obtain necessary information. In particular, the Group has contacted many former Eritrean military, intelligence and diplomatic officials with prior knowledge of the People's Front for Democracy and Justice (PFDJ) and military establishment. Many of the Group's former government sources retain active contacts within the Government of Eritrea and PFDJ, and in some cases were able to obtain information from serving Eritrean officials. The Group has exercised caution in its contacts with members of Eritrean political opposition groups or individuals who are linked to such groups because of the risk that such information might be politically motivated.

11. The Monitoring Group also greatly benefited from the contributions of consultants who were able to monitor open sources in regional languages and hopes that this practice will continue during future mandates. Regional languages of particular importance to the work of the Group are Somali, Tigrinia and Arabic.

Somalia

II. Context: description of the security-related environment

12. Since the late 1990s, Somalia has been characterized by the bifurcation of its territory into relatively stable and secure regions governed by responsible authorities in the north, and the protracted violence and absence of effective governance in the

south. Security trends since the submission of the Monitoring Group's previous report in March 2010 have been uneven and at times contradictory.

13. The principal impediments to security and stabilization in southern Somalia are the Transitional Federal Government leadership's lack of vision or cohesion, its endemic corruption and its failure to advance the political process. Arguably even more damaging is the Government's active resistance to engagement with or the empowerment of local, de facto political and military forces elsewhere in the country. Instead, attempts by the Government's leadership to monopolize power and resources have aggravated frictions within the transitional federal institutions, obstructed the transitional process and crippled the war against Al-Shabaab, while diverting attention and assistance away from positive developments elsewhere in the country.

14. The authorities in Somaliland maintained security and stability, kept their coastline pirate-free and consolidated their nascent democratic institutions with a presidential election in June 2010 that was widely deemed to be free, fair and peaceful. In Puntland, the administration also maintained relative peace and stability — although targeted killings have been on the rise in major towns — and made gains against piracy. These authorities, however, face growing common threats in the disputed regions of Sool and eastern Sanaag, where the Sool, Sanaag Cayn Army aims to aggravate local political and social tensions into violence, and where Mohamed Sa'iid Atom's militia has effectively merged with Al-Shabaab.

15. In central Somalia, embryonic authorities such as "Gaalmudug State" (Mudug region), "Himan iyo Heeb" (Mudug region) and Ahlu Sunna wal Jama'a (ASWJ) in Galguduud region, have also made some modest progress towards achieving local security and stability. Trends elsewhere in southern Somalia, however, have been largely negative. Al-Shabaab remains in control of much of the territory, and the conflict between AMISOM, the Transitional Federal Government and allied militias, on the one hand, and Al-Shabaab on the other, has engendered escalating violence and a deteriorating humanitarian environment. Meanwhile, the Transitional Federal Government security forces and their local allies continue to be little more than clan-based militias with loyalties to individual commanders and that look to AMISOM rather than to the Government for leadership and support.

16. Other southern anti-Al-Shabaab militias, including the various factions of Ahlu Sunna wal Jama'a, "Azania State", and "Shabelle Valley State" appear to be proxies for neighbouring States rather than emergent local authorities, and it is unclear to what extent they may also be able to deliver enduring peace and security. To a certain extent, the resort to Somali proxy forces by foreign Governments represents a potential return to the "warlordism" of the 1990s and early 2000s, which has historically proved to be counterproductive.

III. Acts that threaten the peace, security and stability of Somalia*

17. Since the disintegration of Hisbul Islam in December 2010, Al-Shabaab remains the principal threat to peace and security in Somalia. However, as the Group noted in its mid-term briefing of February 2011, "the Al-Shabaab threat is amplified by the chronic weakness of the Transitional Federal Government, particularly the disarray of its security forces". In contrast with Al-Shabaab, the Government remains dependent principally on external resources and protection. The state of the Government security sector has deteriorated in recent months, and many ostensibly Transitional Federal Government forces are in fact autonomous militias more closely affiliated with AMISOM than with the Transitional Federal Government leadership (see annex 1.1.a for a map of AMISOM and Transitional Federal Government positions in Mogadishu as at March 2011). Key figures within the transitional federal institutions continued to act as "internal spoilers" through their obstruction of the political process, diversion or misappropriation of Government revenues, or reluctance to integrate their militia forces under a unified command.

A. Harakaat al-Shabaab al-Mujaahidiin

18. Harakaat al-Shabaab al-Mujaahidiin, commonly known as Al-Shabaab, remains the sole armed opposition group of any importance in southern Somalia, and the principal threat to peace, security and stability.[2] Al-Shabaab continues to mount sustained attacks against the transitional federal institutions and their security forces, as well as AMISOM, and to threaten the political process.

The Ramadan offensive

19. On 22 August 2010, Al-Shabaab launched its most significant military campaign since May 2009. Dubbed the "Ramadan offensive", it involved an estimated 2,500-5,000 Al-Shabaab fighters, with objectives that included capturing the Presidential Compound at Villa Somalia, symbolically dismantling the Transitional Federal Government. Elsewhere in the city, Al-Shabaab sought to expand its control into key districts such as Hodan, Hawlwadaag, Boondheere and Abdi Aziz.

20. Two days into the offensive, on 24 August 2010, Al-Shabaab staged a carefully planned suicide attack at the Muna Hotel, killing at least 33 people, including four members of Parliament.

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* In paragraph 8 (a) of Security Council resolution 1844 (2008), the Council prohibits acts that threaten the peace, security or stability of Somalia, including acts that threaten the Djibouti Agreement of 18 August 2008 or the political process or threaten the transitional federal institutions or AMISOM by force.

[2] In its March 2010 report (S/2010/91), the Monitoring Group observed that Hizbul Islam, one of the entities in routine violation of resolution 1844 (2008), had become so enfeebled that it was of only marginal relevance. Hizbul Islam's decline was completed in December 2010, when the remnants of the group were effectively absorbed by Al-Shabaab. The Monitoring Group now considers both Hassan Turki and Hassan Dahir Aweys, designated by the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea on 12 April 2010, to be members of Al-Shabaab rather than Hizbul Islam. Al-Shabaab was also designated by the Committee for targeted measures on 12 April 2010. The full list of targeted individuals and entities is available at: http://www.un.org/sc/committees/751/pdf/1844_cons_list.pdf.

21. Two weeks later, in the early afternoon of 9 September 2010, Al-Shabaab mounted a dual vehicle-borne improvised explosive device attack against Mogadishu International Airport. The bombing coincided with the arrival at the airport of a high-level international delegation, including the Special Representative of the Secretary-General for Somalia and the Special Representative of the Chairperson of the African Union Commission for Somalia. Two AMISOM peacekeepers and at least five civilians were killed in the explosions and simultaneous gun battle.

22. Although Al-Shabaab initially made territorial gains within the capital and inflicted dozens of casualties upon AMISOM forces, the offensive was eventually blunted and pushed back by the timely deployment of an additional 2,000 Ugandan peacekeepers and aggressive counteroffensives by the Transitional Federal Government and ASWJ forces. The Monitoring Group believes that it may also have reflected the overdependence of Al-Shabaab on child soldiers who were unable to hold their own against AMISOM troops or, to a lesser degree, Transitional Federal Government and ASWJ militias.[3]

23. Facing increasing pressure in the capital and, in a bid to maintain its earlier battle momentum, Al-Shabaab began to receive reinforcements — mainly members of the Hawiye/Abgaal clan — from the central region of Galguduud. By deploying those fighters into Abgaal-populated areas, Abdi Aziz, Boondheere and Shangaani districts, Al-Shabaab had apparently resorted to clan dynamics in order to reverse its losses in those strategic districts.

24. On 22 February 2011, AMISOM mounted a counteroffensive involving both Transitional Federal Government and ASWJ militias. During the course of the operation, the AMISOM Burundi detachment, together with Transitional Federal Government forces, succeeded in dislodging Al-Shabaab from key positions at the former Ministry of Defence (Gashaandiga) and at the former Milk Factory (Warshadda Caanaha). Although the offensive entailed high casualties on the part of AMISOM forces, Transitional Federal Government and affiliated militias, it succeeded in expanding the AMISOM area of control, from five districts of the capital to seven, shifted the front line further away from Villa Somalia and placed Al-Shabaab forces in Bakaara market and Dayniile under pressure.

Al-Shabaab tactics, techniques and procedures

25. During the course of its mandate, the Monitoring Group has systematically mapped security-related incidents that offer insights into the Al-Shabaab strategy for waging asymmetrical warfare and its preferred tactics, techniques and procedures. For a summary of recorded incidents see annexes 1.1.b, 1.1.c and 1.1.d.

Grenades

26. The Monitoring Group estimates that there have been at least 155 grenade-related incidents in Mogadishu during the course of its mandate. The incidents have targeted not only AMISOM and pro-Transitional Federal Government forces but also international organizations. Although there is no overall trend or pattern, the number of grenade-related incidents during the AMISOM-led offensive in February 2011 increased dramatically from 9 in January 2011 to least 34 in February 2011.

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[3] United Nations security briefing/report and interview with an Al-Shabaab defector in Mogadishu on 20 January 2011.

Improvised explosive devices

27. The Monitoring Group recorded 98 incidents involving improvised explosive devices in Mogadishu between April 2010 and April 2011, mainly targeting AMISOM and Transitional Federal Government forces, although some civilians have also been killed. At least nine of the incidents were attempted suicide attacks, of which four were foiled. One such attack, on 1 July 2010, occurred on the premises of Villa Somalia.

28. Overall, improvised explosive device-related deaths among AMISOM and Transitional Federal Government personnel have decreased over previous years, probably owing to the introduction of enhanced measures to counter improvised explosive device attacks and to improve human intelligence, facilitating the pre-emption of such attacks. At the same time, there has also been significant progress in the recovery of unexploded improvised explosive devices from the battlefield.

Snipers

29. Opposition forces have successfully used snipers to harass AMISOM and Transitional Federal Government forces and to deter them from advancing forward to grounds of tactical importance in Mogadishu. The Monitoring Group estimates that during the period covered by its mandate there have been at least 130 sniper-related incidents that have resulted in injuries and deaths among AMISOM and Transitional Federal Government personnel. According to multiple sources, many of the incidents have drawn on the expertise of foreign fighters in Al-Shabaab. Sniper-related incidents doubled during the Al-Shabaab Ramadan offensive carried out in August and September 2010.

Al-Shabaab moving north

30. The northern regions of Somaliland and Puntland enjoyed relative security during the reporting period. Nevertheless, they each faced internal and external challenges to their stability, the two most serious of which are Al-Shabaab agents and sympathizers, including the militia headed by Mohamed Sa'iid "Atom".

Mohamed Sa'iid "Atom"

31. In its March 2010 report (S/2010/91), the Monitoring Group described the emergence of the militia of Mohamed Sa'iid "Atom" in eastern Sanaag and its evolving links with Al-Shabaab.[4]

32. In early 2010, Atom entered into indirect negotiations with the Puntland administration, through the mediation of Warsengeli clan elders. According to a source close to the negotiations, the Al-Shabaab leadership in Mogadishu sent emissaries to pressure Atom to break off the talks.[5] One was Yasiin Kilwe, a Warsengeli associate of Shabaab emir Ahmed Abdi Godane, who was released in 2009 from prison in Hargeysa after having served a six-year prison term; another was reportedly Mohamud Mohamed Nur Faruur, a leading Al-Shabaab figure from the Habar Je'elo clan from eastern Toghdeer region.

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[4] S/2010/91, paras. 146-150.

[5] Interview, 14 October 2010.

33. In March 2010, Atom broke off the talks and resumed military preparations, including — according to eyewitnesses interviewed by the Monitoring Group — building a rough road between strategic locations in eastern Sanaag.[6] Atom also continued to accumulate arms and ammunition. Deliveries of weapons were reported in April and May 2010 and in some cases were witnessed at the beach port of Cadcaddow (approximately 35 km west of Ceelayo).[7] Local sources told the Monitoring Group that while arms deliveries at that location used to come mainly from Eritrea for the Ogaden National Liberation Front (ONLF), they now came mainly from Yemen.[8]

34. Between July and September 2010, the Puntland security forces mounted an offensive against Atom's militia in the Galgala highlands. Atom's fighters enjoyed an early advantage, fighting on home ground from prepared positions, employing hit and run tactics and receiving deliveries of arms, ammunition and medical supplies by dhow in late July and mid-September.[9] The September consignment was delivered at Durdurdi, a beach port close to Saliid and consisted of approximately 25 metric tons of arms and ammunition, based on reports from local people enlisted to offload the vessel.[10]

35. In September 2010, Puntland forces succeeded in routing Atom's forces and capturing his base at Galgala. At least one of Atom's senior commanders, Jaama' Osman Du'ale, was killed in the fighting, together with several dozen other fighters, and Atom himself was reportedly wounded in the upper arm/shoulder.[11]

36. Items recovered from Atom's Galgala base appear to substantiate his alleged ties with Al-Shabaab. Puntland forces displayed a black Al-Shabaab flag and, more importantly, 11 bodyguard motorcycle alarm devices of the kind used by Al-Shabaab to construct radio-controlled improvised explosive devices (see case study, paras. 136-144 below). For images of other items recovered from Atom's militia by Puntland forces see annex 1.2.

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[6] Interviews with a reliable Somali source who had travelled this road, October 2010, May 2011.

[7] Interview with a businessman from Laasqoray, October 2010. One of the deliveries allegedly included seven metric tons of arms and ammunition purchased by Atom on behalf of the Sool Sanaag Cayn Army, which were transferred to the latter's custody near Dhahar, but the Monitoring Group has been unable to verify that report.

[8] Interviews with three Somali arms dealers and independent sources, October 2011. The dealers allowed the Monitoring Group to inspect samples of their arms and ammunition.

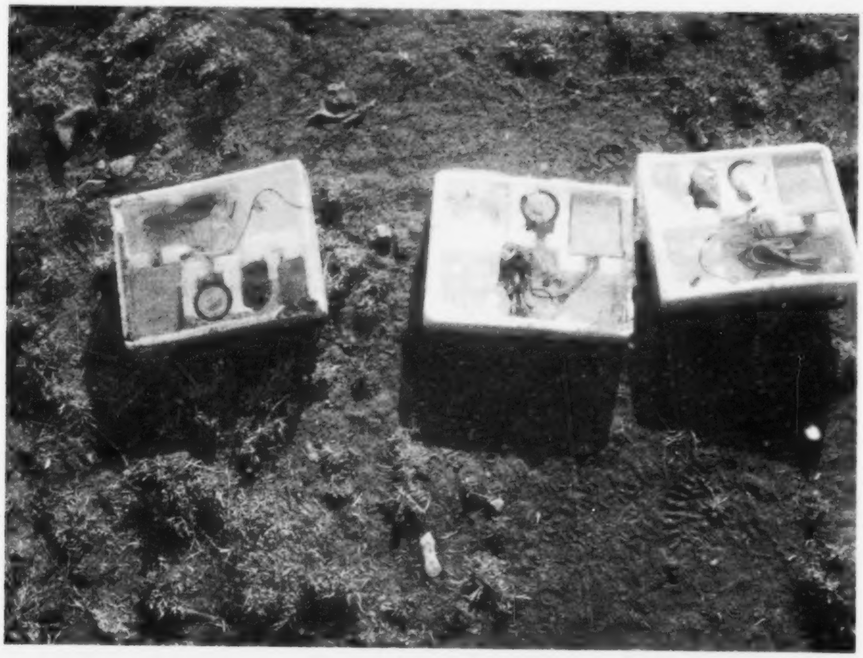
[9] Interviews with arms dealer and trader from Laasqoray, October 2010. Some reports also indicated that Somali and foreign fighters may have accompanied those consignments, but the Monitoring Group has been unable to verify the information.

[10] Interview with a trader from Laasqoray, April 2011.

[11] Puntland forces claimed to have killed 96 fighters, but other figures provided to the Monitoring Group were much lower. See http://www.garoweonline.com/artman2/publish/Somalia_27/Somalia_Puntland_says_96_militants_killed_urges_Somaliland_to_act_against_terror_printer.shtml.

Figure I

Bodyguard alarm devices found at Atom's base camp, Galgala



37. Since his defeat, Atom has been driven even closer to Al-Shabaab, travelling to Mogadishu for medical treatment and spent the first half of 2011 between Mogadishu and Kismaayo, seeking military and financial assistance for his forces. Although Al-Shabaab has been engaged in heavy fighting and suffered its own shortages during the period, one large consignment (four truck loads) of arms and ammunition was reportedly delivered for his forces near Laasqoray in January 2011, and Atom is also believed to have dispatched in February 2011 one dhow from Kismaayo to his remaining forces, mainly carrying ammunition for small arms and mortars.[12]

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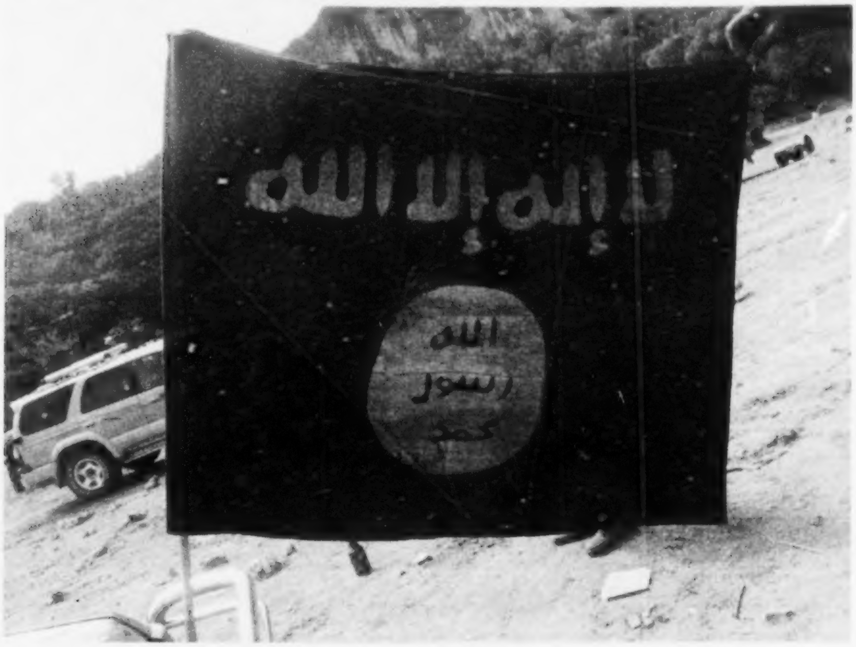
[12] Interview with a reliable Somali source, based on recent, direct communication with one of Atom's officers, April 2011.

Figure II

Photograph taken by Puntland security forces at Galgala, showing Al-Shabaab flag allegedly recovered from Atom's base camp



38. Defeat drove parts of Atom's networks underground, producing a surge in targeted killings in Puntland's major towns, especially Boosaaso. Not coincidentally, a number of the victims, including Sultan Isse Hassan Omar, a titled elder from the Ali Saleebaan clan and founding member of the Puntland Development Group were linked to Saracen — a group many Warsengeli believe intends to consolidate Puntland's control over natural resources in the Majiyahan area.[13]

39. In early May 2011, Atom's militia regrouped in Galgala, attacking Puntland forces in clashes that left over 20 dead.[14] Atom himself, who reportedly returned to eastern Sanaag just prior to the fighting, issued a statement to the media on denying any links to Al-Shabaab and claiming that his forces were only protecting Warsengeli territory and oil resources: "They [the Puntland administration] wish us flee [sic] from our settlements so they can exploit our resources; that was the root cause of the conflict … we are available to negotiate."[15]

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[13] Atom first emerged as a militia leader in 2006, defending against perceived Puntland encroachment on Warsengeli territory and resources in the Majiyahan area (see S/2008/769, paras. 148-151).

[14] Voice of America, "More than 20 killed in northern Somalia fighting" (11 May 2011). Available from http://www.voanews.com/english/news/africa/east/More-Than-20-Killed-in-Northern-Somalia-Fighting-121635299.html.

[15] Somalia online, "Atom denies Al-Shabaab links: militia leader says Puntland conflict is over natural resources" (18 May 2011). Available from http://www.somaliaonline.com/community/showthread.php/56861-Mohamed-Said-Atam-denies-Al-Shabaab-Links.

Financial and logistical support

40. Atom's persistence, especially in the face of sustained pressure from both Puntland's and Somaliland's security forces, would not be possible without local networks of political and financial support.

41. Puntland officials have alleged that Atom receives support from the Somaliland administration and that some of his fighters received Somaliland salaries. In January 2011, the Puntland administration issued a statement expressing concern about what it termed "Somaliland's growing ties to Al-Shabaab", specifically Mohamed Sa'iid Atom.[16]

42. The Somaliland authorities strongly deny such allegations and have called Atom a "terrorist".[17] But informed sources have told the Monitoring Group that Atom may have had links to certain individuals in the previous Somaliland administration, including the former Minister of Youth and Sports and the sector commander of the Somaliland armed forces in Ceerigaabo.[18] If such support existed, there does not appear to be any evidence that it has continued under the new Somaliland administration, elected in June 2010.

43. Atom has also benefited from the patronage of religious and business leaders from his own clan, as well as prominent figures in the Boosaaso business community. The Monitoring Group has received specific information concerning financial support provided to Atom, which it is continuing to investigate.

Analysis

44. From its status as an Al-Shabaab "affiliate" in early 2010, Atom's militia is now considered by the Monitoring Group to have essentially merged with Al-Shabaab. Despite its defeat and dispersal at the hands of Puntland security forces in late 2010, the group remains a standing threat to peace and security in the region and has demonstrated its ability to shift between overt and covert modes of operation. Unless his supporters among clan and business elites are also identified and targeted, Atom and his militia will prove impossible to eliminate.

45. Increasing military pressure on Al-Shabaab forces in southern Somalia may also be to Atom's advantage. Although it has so far meant that Al-Shabaab has been unable or unwilling to provide him with significant levels of financial or military support, it is possible that the remote and mountainous region of eastern Sanaag, with its access to the Gulf of Aden and proximity to Yemen, may increasingly appear to be an attractive alternative to areas of southern Somalia where Al-Shabaab has recently been placed on the defensive.

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[16] Garoweonline, "Puntland says 96 militants killed, urges Somaliland to 'act against terror'" (5 November 2010). Available from http://www.garoweonline.com/artman2/publish/Somalia_27/Somalia_Puntland_says_96_militants_killed_urges_Somaliland_to_act_against_terror_printer.shtml; and Puntland State of Somalia, "Puntland is deeply concerned about Somaliland's growing ties to Al Shabaab", press release, 1 January 2011.

[17] Garoweonline, "'Atom is a terrorist,' says Somaliland after Puntland allegations" (9 November 2010). Available from http://allafrica.com/stories/201011100501.html.

[18] Separate interviews with three Warsengeli elders, including one government official, Hargeysa, October 2010 and April 2011. The Monitoring Group has not been able to independently verify this information.

B. Al-Shabaab as a regional and international threat

46. Al-Shabaab also presents an increasingly acute regional and international threat. The Government of Ethiopia claims that in 2009, an Al-Shabaab cell planned to attack 10 targets in Addis Ababa, although the Monitoring Group has not been able to independently verify that information.[19] On 11 July 2010, the group mounted its first major successful operation outside Somalia with coordinated suicide bombings against two nightclubs in Kampala, killing 79 people and wounding dozens more. Significantly, the Kampala operations were perpetrated chiefly by Ugandan and Kenyan nationals, only some of whom were ethnic Somalis, trained by Al-Shabaab in Somalia (for a more detailed case study of the Kampala bombings, see annex 2.1). Likewise, the Monitoring Group has identified indigenous networks engaged in recruitment, radicalization and resource mobilization on behalf of Al-Shabaab in Kenya.

47. This disturbing trend, highlighted by the Kampala bombings, suggests not only that Al-Shabaab possesses the will and capability to conduct such attacks but that it is giving rise to a new generation of East African jihadist groups that represent a new security challenge for the region and the wider international community.

48. The Monitoring Group has also learned of extensive Kenyan networks linked to Al-Shabaab, which not only recruit and raise funds for the organization but also conduct orientation and training events inside Kenya. Similar, but smaller, networks are believed to exist elsewhere in East Africa, and Al-Shabaab has also established functional linkages with jihadist groups in northern, western and southern Africa.

49. In the past, Al-Shabaab's presence in Kenya has been concentrated primarily within the ethnic Somali community. Since 2009, however, the group has rapidly expanded its influence and membership to non-Somali Kenyan nationals who, according to Monitoring Group estimates, today constitute the largest and most structurally organized non-Somali group within Al-Shabaab.[20]

50. During the course of this mandate, Monitoring Group investigations have focused principally upon the activities of the Muslim Youth Centre, commonly known as Pumwani Muslim Youth, a detailed case study of which appears in annex 2.2. One of several pro-Al-Shabaab indigenous Kenyan groups, the Muslim Youth Centre has emerged as one of the largest support networks for Al-Shabaab in Kenya.[21] Members of the group openly engage in recruiting for Al-Shabaab in Kenya and facilitate travel to Somalia for individuals to train and fight for "jihad" in Somalia. Prominent members and leaders have also been linked to the July 2010 bombings in Kampala. The evolution of the Muslim Youth Centre represents a new and alarming trend, in which East African extremist groups inspired and mentored by Al-Shabaab may represent the next generation of terrorist threats in East Africa and the wider region.

51. For a more detailed assessment of the potential threat Al-Shabaab and its affiliates pose to the East Africa region, see annex 2.

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[19] Government of Ethiopia, "The threat of Al-Qaeda in the region", presentation to the United Nations Al-Qaeda and Taliban Analytical Support and Sanctions Monitoring Team, February 2011.

[20] According to a former Muslim Youth Centre member who had fought in Somalia in 2009 and returned to Kenya in 2010, this core group of African "foreign fighters" has been actively engaged in Somalia as early as 2006 or 2007. Interview, 9 March 2011.

[21] The Monitoring Group is currently investigating two other indigenous Kenyan groups with reported links to Al-Shabaab.

C. Human smuggling networks exploited by Al-Shabaab

52. In its March 2010 report (S/2010/91), the Monitoring Group described the potential for immigration and visa fraud to facilitate the travel to and from Somalia of members of armed opposition groups, including Al-Shabaab.[22] During the course of the current mandate, the Group learned that this practice persists and focused its investigations on the activities of one prominent smuggler, Abdirahman Abdi "Salawat", a Somali national who has allegedly obtained Kenyan citizenship documents under false pretences. Salawat has also possessed Kenyan passports (Nos. A739601 and A183790) under the alias "Abdi Warsame Dirie", which he has used for international travel. Whether acting on behalf of people detained in police raids in Eastleigh (Nairobi), for Somali emigrants hoping to smuggle themselves into Europe, or for suspected members of Al-Shabaab entering or leaving Somalia, Salawat has acquired a reputation and has emerged as the "facilitator" of choice for Somalis who risk encountering immigration difficulties in Kenya.

53. Salawat's involvement in human smuggling dates from at least October 2004, when he and an associate, Abdullahi Abdinur Mohamed "Topolino", signed a KES 350,000 per month lease agreement for a property on 10th Street, Eastleigh. This property, which subsequently came to be known as Top Ten Hotel (now called Gaman Hotel), was jointly managed by Salawat and Topolino and until late 2008, served as a hub for trafficking in stolen and forged passports, travel documents, Kenyan national identification cards, and according to some sources, drugs.[23] In 2009, as the armed conflict in south central Somalia intensified, the hotel also began to receive members of armed opposition groups, including injured fighters, smuggled into Kenya with the assistance of Salawat. The Monitoring Group has learned that during that period it was not uncommon to find injured Somalis staying at hotels in Eastleigh and elsewhere in Nairobi, including Transitional Federal Government soldiers recuperating after medical treatment, but the Somali Ambassador to Kenya has confirmed to the Monitoring Group that the Transitional Federal Government did not accommodate any of its injured personnel at the hotel.[24]

54. Topolino acknowledged to the Monitoring Group that he is a "partner" and "cousin" of Salawat, but would not confirm the presence of injured Al-Shabaab fighters at the hotel, asserting that it was impossible for the hotel management to know whether the injured Somalis were Al-Shabaab combatants. Topolino also admitted that the hotel served as a hub for buying and selling passports and the illegal procurement of visas, describing this as the work of the immigration brokers (*mukalas*), but claiming that such services were not extended to Al-Shabaab members or their families.

55. Salawat has also been involved in smuggling members of Somali armed opposition groups and their sympathizers to Europe and other international

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[22] See S/2010/91, paras. 109-120.

[23] Interviews with multiple independent sources, including current "immigration brokers" on 9 March 2011 and official sources including police contacts on 12 February 2011, who have all confirmed knowledge of Top Ten Hotel being used as a hub for stolen documents and for drugs.

[24] Interview in Nairobi on 27 April 2011. The interview was abruptly terminated when a Kenyan police officer interrupted the session, accusing the Monitoring Group of threatening Topolino and conducting an illegal investigation "without a permit". The Monitoring Group believes that Topolino deliberately misinformed and solicited the intervention of a member of the Kenyan security services with the objective of obstructing a Monitoring Group investigation.

destinations. For example, the Monitoring Group interviewed a Somali male who travelled from Somalia to Nairobi in late 2009 in order to discuss with Salawat the terms for being smuggled into Europe. During their meeting, it was agreed that the "client" would deposit $19,000 into an escrow account held by a "small business" with Qaran money for eventual transfer to Salawat when the source arrived in Europe.[25]

56. On 14 December 2009, Salawat's client, travelling on a Swedish passport in the name of Mohamed Yassin Gaal, left Nairobi for the Netherlands.[26] Upon arrival in Amsterdam the following day, he was detained by the Dutch authorities on the grounds that his assumed identity was apparently included on a security watch list.[27] He was subsequently deported via Istanbul to Nairobi. During an interview with the Monitoring Group, the client admitted to knowing that Gaal was a member of Al-Shabaab, but denied any connection to him or to the extremist group. The Monitoring Group believes that "Mohamed Yassin Gaal" is in fact a member of Al-Shabaab and was at one point active in the Lower Juba region of Somalia under the command of Hassan Abdillahi Hirsi "Turki".[28]

57. In October 2010, Salawat facilitated the passage, via Nairobi, of three individuals travelling from Europe to Somalia in order to fight for Al-Shabaab. Two members of the group, Ali Dahir Osman and Abubakar Yusuf, are believed to be Dutch and Danish passports holders, respectively.[29] According to a close associate and collaborator of Salawat's, upon arrival in Nairobi, Salawat arranged for the three to be accommodated at Andalus Hotel, Eastleigh, and subsequently assisted them in travelling overland to Somalia via the north-eastern province of Kenya.[30] However, he insists that the three individuals sought Salawat's assistance only to travel to Somalia for "holidays" and would be returning. To date, there has been no indication that Ali Dahir Osman or Abubakar Yusuf returned to Nairobi.

58. Other Somalis travelling from Europe and beyond in order to join Al-Shabaab have often been routed by Salawat through Uganda, via the notoriously porous border post at Busia.[31] In most cases, the smuggled individual is accompanied by an agent of the broker who can negotiate with immigration officials at the border should the need arise. Once in Kenya, the individual is accommodated in a safe house while awaiting new documentation — usually Kenyan national identification cards — in order to travel to Somalia. One such location, the Katarina Hotel in

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[25] Interview with former Salawat client, 22 October 2010.

[26] According to the client, he was provided with a Turkish Airline electronic ticket (No. 2353601788656) by Salawat. The Monitoring Group has learned that the airline of choice by Salawat has normally been Turkish Airlines.

[27] Interview, 22 October 2010. On 4 October 2010, a group of Habr Gidir clan elders met in Eastleigh to discuss persuading Salawat to refund the source's money ($19,000).

[28] Interview, January 2011, with a former ONLF combatant familiar with Al-Shabaab and Mohamed Yassin Gaal in particular. Turki was designated by the Security Council under resolution 1844 (2008) on 12 April 2010.

[29] During a meeting with the confidential source who had been smuggled by Salawat on 5 November 2010, the source described how three Somalis, including a Dutch and Danish national, had been accommodated by Salawat.

[30] Interview with former Salawat client, 5 November 2010, corroborated by a broker and former associate of Salawat, 6 November 2010.

[31] Interview with an active immigration broker associated with Salawat, 6 November 2010. Eritrean intelligence officers and the conspirators in the July 2010 Kampala bombings also used the border post, which suggests that security there is known to be lax.

Nairobi, was described to the Monitoring Group as being specifically used to host Al-Shabaab members.[32]

59. According to a source with first-hand knowledge of Salawat's activities,[33] on 5 April 2011 a group of Somali businessmen, including Salawat, met at the Laico Regency Hotel "Grand Regency", in Nairobi, on the sidelines of a Somali elders conference about the situation in Somalia. The purpose of their meeting was to consult among themselves about common ways and means to regulate the costs of facilitating visas and travel documents for their mainly Somali clientele seeking to be smuggled into Europe and destinations beyond, an indication that Salawat and his associates intended to expand and consolidate their smuggling activities and that the practice would remain an enabler for Al-Shabaab and its sympathizers for the foreseeable future.

D. Al-Shabaab finances

60. Notwithstanding the military stalemate and putative schisms within its leadership, the economic health of Al-Shabaab is more robust than ever. The movement continues to consolidate its control over multiple sources of revenue, which are used to pay for the salaries of its fighters, and for arms and ammunition and to sustain military operations. The Monitoring Group conservatively estimates that Al-Shabaab generates between $70 million and $100 million per year, from duties and fees levied at airports and seaports, taxes on goods and services, taxes in kind on domestic produce, "jihad contributions", checkpoints and various forms of extortion justified in terms of religious obligation, or zakat.

61. Broadly speaking, Al-Shabaab's revenue streams can be categorized as follows, in descending order of importance:

- Taxation and extortion
- Commerce, trade and contraband
- Diaspora support
- External assistance

62. At the same time, Al-Shabaab is evolving from an armed faction into a lucrative consortium of business interests, both within Somalia and abroad, whose members benefit from cartel-style trading practices, tax breaks and mutual facilitation. Moreover, there are indications that Al-Shabaab trading networks may also be used to camouflage charitable contributions from sympathizers in the Gulf States.

Taxation and extortion

63. Al-Shabaab's taxation system is far more sophisticated and comprehensive than that of any other Somali authority, including the administrations of Puntland and Somaliland. The movement collects detailed information on businesses

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[32] Interviews with a casual employee of Salawat and with the manager of the Katarina Hotel, 12 January 2011. The hotel manager could not confirm the presence of Al-Shabaab members at the hotel, but acknowledged that the hotel was frequented by "suspicious" Somalis who would only enter the hotel late at night and refused to show the required identification.

[33] Interviews with a participant of the meeting and an independent source, Nairobi, 22 April 2011.

operating in areas under its jurisdiction, from telecommunications and money transfer agencies, to general merchandise and food stores, agriculture and raising livestock. Al-Shabaab representatives regularly pay visits to those businesses to assess values and to collect taxes. Al-Shabaab taxes are levied in at least six different ways, including:

(a) Enforcement of a consumer tax on goods purchased from general merchandise stores;

(b) Taxes levied on businesses according to size and profitability;

(c) Taxes in kind, in the form of thousands of tons of maize, sesame, livestock and other products from farmers and pastoralists;

(d) Levy of $10 per cultivable acre from farmers;

(e) Tax of 2.5 per cent on total corporate profits per annum, known as the zakat contribution;

(f) Ad hoc contributions for specific military operations, known as jihad war contributions.[34]

64. In October 2009, Al-Shabaab won a decisive battle over the Ras Kamboni forces for control of the port town of Kismaayo, which, together with the secondary ports of Marka and Baraawe, has since emerged as the most important source of income for the group. Al-Shabaab generates between $35 million and $50 million per year from port revenues, of which at least $15 million is based on trade in charcoal and sugar.[35]

65. The vast majority of imports via Kismaayo are not intended to serve the local population, but are destined for other parts of southern Somalia that could be equally or better served by Mogadishu or be smuggled into neighbouring countries as contraband.

66. Taxation of businesses in Bakaara and Suuq Baad markets is estimated from $2.5 million to $5 million per month, or between $30 million and $60 million per year.[36] In addition to those taxes on businesses, Al-Shabaab operates a comprehensive web of mobile military checkpoints where transportation operators and passengers are all obliged to pay taxes for free passage. For a more detailed analysis of Al-Shabaab taxation, see annex 3.

67. Although Al-Shabaab officially discourages the practice of *qaad* chewing, and in some places bans it outright, the movement nevertheless used to allow its import via airports under its control, presumably because of the opportunity it offered to

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[34] Interview with Somali business source, Dubai, February 2011; also, Mohamed Ahmed and Abdi Sheikh, "Somali Islamists demand cash and jewellery for holy war", Reuters, 3 August 2010. Accessed online on 22 April 2011. Available from http://ca.reuters.com/article/topNews/idCATRE67220I20100803?pageNumber=2&virtualBrandChannel=0&sp=true.

[35] Kismaayo accounts for $8 million to $9 million per year, and Marka, Baraawe and Eel Ma'aan together contribute another $6 million to $7 million. Port income varies according to weather and commodities prices. Interviews with multiple Dubai-based Somali traders between November 2010 and March 2011, and with a Kismaayo trader in Nairobi on 27 April 2011.

[36] According to a local researcher interviewed by the Monitoring Group, this tax base includes an estimated 500 restaurants, at $70 per month; 21,000 stores and shops, at $100-$500 per month; 50,000 kiosks and hawkers, at $50-$120 per month; and $100 per truck bringing produce from nearby farms.

collect additional taxes. Until 16 October 2010, Blue Bird Aviation Limited and Freedom Airlines Express Limited were also operating an average of one flight per day to Mogadishu West airfield, also commonly known as "Kilometer 50" or "K50". The airfield, located in an area controlled by Al-Shabaab militias, is owned and was operated by a prominent Somali businessman, Ahmed Du'ale Gelle "Heef". Although Heef told the Monitoring Group that all the revenue generated by *qaad* trading through K50 was handed over to the Transitional Federal Government central bank, the Group estimates that between January and mid-October 2010, the value of taxes paid to Al-Shabaab by *qaad* traders using K50 would have been $500,000.[37]

68. On 16 October 2010, Al-Shabaab took over K50 facilities,[38] reportedly expelling Ahmed Du'ale's militia and leading Kenyan authorities to prohibit flights to the airfield. According to Kenyan operators, Al-Shabaab made an offer to pursue the cargo activity at K50, which Blue Bird refused, transferring all their flights from that date onward to Mogadishu International Airport.[39] Al-Shabaab therefore no longer appears to have access to tax revenues from *qaad* transported by air. However, it is the assessment of the Monitoring Group that importation of *qaad* from Kenya by road in Al-Shabaab-controlled areas was continuing at the time of writing.

Al-Shabaab trading cycle: sugar, contraband and charcoal

69. Unlike businesses with fixed assets in Al-Shabaab areas, such as telecommunications and hawalas, import/export traders have the option of alternative ports through which to do business. The Monitoring Group therefore considers many of the major traders and transporters who use Kismaayo to be consciously and voluntarily engaging in commercial transactions that accrue significant financial benefit to Al-Shabaab, a designated entity, and therefore to be in potential violation of Security Council resolution 1844 (2008).

70. Al-Shabaab generates millions of dollars of revenues each month through a coordinated trading cycle built upon the export of charcoal, which in turn finances the import of sugar, much of which is subsequently smuggled across as contraband into neighbouring countries, particularly Kenya. Shipping companies deliver sugar to Kismaayo and collect charcoal for the return journeys. Bank accounts in the Gulf States where the profits of this trade are deposited can be used to launder voluntary contributions to Al-Shabaab through fraudulent invoicing, overvaluing of import proceeds and undervaluing of exports.[40]

71. This trade cycle is dominated by networks of prominent Somali businessmen operating mainly between Somalia and the Gulf Cooperation Council (GCC) countries, notably Dubai in the United Arab Emirates.[41] Al-Shabaab not only

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[37] Interview with Ahmed Du'ale Gelle, 9 May 2011; also multiple interviews with aviation-related sources in Nairobi and Mogadishu.

[38] According to Somali media, Al-Shabaab took over K50 on 12 October 2010. See "Al-Shabaab suspends flights of KM-50 airport in Southern Somalia", Shabelle Media Network, 13 October 2010.

[39] Interview with Blue Bird aviation management, Nairobi, 23 December 2010.

[40] United States Immigration and Customs Enforcement, "Trade-based money laundering", accessed on 22 April 2010, at http://www.ice.gov/cornerstone/money-laundering.htm.

[41] The GCC includes Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates. Those countries banned the destruction of their local forests in the early 1990s. The Somali Minister for Foreign Affairs confirmed at a conference in Madrid on 27 September 2010: "Al-Shabaab is exporting big amounts of charcoal … to the Arabic Peninsula".

attracts their business by imposing lower rates of taxation in Kismaayo than at ports controlled by the Transitional Federal Government but also actively promotes large-scale imports of sugar and exports of charcoal by offering preferential access and tax breaks to Al-Shabaab affiliated businesses. Two of the most prominent figures in the network are businessmen with historical linkages to militant Islamist groups in Somalia: Abukar Omar Adaani[42] and Ahmed Nur Jim'aale.[43] For a more detailed analysis of Al-Shabaab's charcoal-sugar trading cycle, see annex 3.1.

Mogadishu versus Kismaayo: how the Transitional Federal Government abets the Al-Shabaab trading cycle

72. Ironically, the Transitional Federal Government is complicit in maintaining the Kismaayo trade corridor that plays such a key role in financing the Al-Shabaab war effort. The Monitoring Group has confirmed that most commercial motor vessels transporting goods to the port of Mogadishu discharge only part of their cargoes in order to deliver the remainder to Kismaayo and collect charcoal destined to GCC countries — with the full knowledge of the Mogadishu port authority.[44] The manager of Mogadishu Port, Sayid Ali, is a long-time employee of Abukar Omar Adaani and represented Adaani's business interests in Kenya until accepting his current assignment.[45]

73. It is common practice for bills of lading and manifests of vessels heading to southern Somalia to declare Mogadishu as the port of delivery and deliberately avoid making reference to Kismaayo. Informal agreements between transporters and the shippers determine the division of cargoes between Mogadishu and Kismaayo.

74. Elevated import taxes imposed by Transitional Federal Government authorities, believed to be among the highest in the region, serve to aggravate the problem.[46] In early 2011, a dispute erupted between the Mogadishu port authorities and the Somali traders who objected to what they perceived to be excessive taxation and inefficiency of the port authorities.[47] Consequently, many Somali traders avoid Mogadishu, preferring to discharge their cargoes at Kismaayo or other ports where import taxes are lower. For example, Mogadishu port authorities charge an import duty in the amount of $1,300 on a mid-size vehicle. At Kismaayo, Al-Shabaab charges only $200. Even if the transporter then wishes to deliver the vehicle to Mogadishu, it costs another $200, including driver fees, fuel and miscellaneous expenses, to drive the car from Kismaayo to Mogadishu.[48]

75. On 1 March 2011, presumably to end that counterproductive practice, the Transitional Federal Government approved a decision to ban any international sea transport heading to and from the ports of Kismaayo, Marka and Baraawe; however,

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[42] See S/2010/91, para. 254.

[43] Ahmed Nur Jim'aale has been designated under Security Council resolution 1267 (1999) for his prior association with Al-Itihaad Al-Islaami, the Somali Al-Qaeda-affiliated organization.

[44] Interviews with Somali traders in Dubai conducted between November 2010 and March 2011, and with port officials in Mogadishu in April 2011.

[45] See S/2010/91, footnote 137.

[46] Mohamed Ahmed, "Taxes push Somali traders away from Mogadishu port", Reuters, 2 February 2011, accessed on 22 April 2011, at http://uk.reuters.com/article/2011/02/02/uk-somalia-ports-idUKTRE7112CA20110202.

[47] Ibid.

[48] Interview conducted in Dubai on 19 February 2011.

the Monitoring Group has since learned that the Mogadishu port authorities are not enforcing the decision, and import duties and taxes remain uncompetitive.[49]

Cross-border contraband

76. The viability of the Kismaayo trade corridor depends in large part upon its proximity to Kenya, the remote and porous 682 km border and the profitability of the contraband trade. Furthermore, the Monitoring Group believes that well-organized criminal networks with links to Al-Shabaab are taking advantage of the porosity of the border to smuggle people, commercial goods and weapons. Several of the individuals involved are well-established businessmen and real estate investors in Kenya. An opportunistic and mutually beneficial kind of "pax commerciale" has been established between those criminal networks and Al-Shabaab.

77. On 25, 27 and 28 January 2011 and on 1 February 2011, the Kenya police (Dadaab Unit) captured 450 sacks of sugar and 129 cartons of milk powder smuggled from Kismaayo. The goods were subject to a Kenyan court order and were referred to the Kenya Revenue Authority for duty payment prior to their release. The Kenya Revenue Authority confirmed to the Monitoring Group that most confiscated goods are originated from Dubai (apart from some relief foods) and are transited through Somalia and smuggled to Kenya through the porous border — as the Kenya-Somali border is closed.[50]

78. In April 2011, Kenyan sugar sold at between KES 4,800 and KES 4,900 per 50 kg sack (approximately $58-$60), while the same amount of sugar smuggled from Kismaayo sold in Garissa at between KES 4,350 and KES 4,450 (approximately $53-$55), even after a mark-up of roughly 20 per cent.[51] Not surprisingly, according to a senior Kenyan customs official in North Eastern Province, about 10,000 bags of smuggled sugar may be entering Kenya from Somalia on a daily basis.[52] The Kenyan authorities have also discovered light weapons and ammunition concealed in some sugar consignments.[53]

Diaspora support for Al-Shabaab

79. In its March 2010 report (S/2010/91), the Monitoring Group extensively documented diaspora support networks for Al-Shabaab.[54] There is no doubt that many ethnic Somalis living abroad continue to engage in radicalization, recruitment and resource mobilization on behalf of Al-Shabaab, but it has not been possible during the course of the current mandate, to quantify whether that channel of financial assistance has grown in importance or declined.

80. During the course of the mandate, there have been indictments and judicial proceedings involving individuals accused of providing material and financial support to Al-Shabaab in Norway, Sweden, the United Kingdom and the United

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[49] Radio Bar-kulan, accessed on 15 April 2011, at http://www.bar-kulan.com/2011/03/01/cabinet-puts-a-ban-on-ports-controlled-by-al-shabab/; also interview with Mogadishu port authority, 6 April 2011.

[50] E-mail communications with Kenya Revenue Authority officials on 29 March 2011.

[51] Interviews with several Garissa-based security officers and residents on 28 April 2011.

[52] Ken Opala, "Dreaded Somali terrorist group taps into sugar racket", 10 April 2009, accessed on 22 April 2011, at http://www.nation.co.ke/News/-/1056/559404/-/view/printVersion/-/vke76t/-/index.html.

[53] Ibid.

[54] See S/2010/91, paras. 71-108.

States. Most of the cases date from the period 2007 to early 2009 and do not shed much light on current trends.

E. Sool Sanaag Cayn Army

81. Another threat to peace and stability, unrelated to Al-Shabaab, is the Sool Sanaag Cayn Army (SSCA), a clan-based militia active in parts of Sool region. Conceived, funded and led by members of the Dhulbahante clan diaspora, SSCA can be characterized as an opportunistic and arguably mercenary militia force that has successfully appropriated legitimate local grievances and exploited radical diaspora sentiment for its own political and financial gain.

82. Contested between Somaliland and Puntland, Sool region has long been an area of tension and sporadic violence. Dhulbahante clan elites have been divided between those who support the administration in Hargeysa and since its establishment in 1998, the administration in Garoowe. In recent years, however, Dhulbahante disaffection with both Somaliland and Puntland has given rise to a growing constituency within the clan that supports neither administration and seeks autonomy within a unitary Somali State. As elsewhere in Somalia, such choices often reflect local competition for power and resources between sub-clan elites.

83. The Sool Sanaag Cayn Army was formed in late 2007, following the capture of Laascaanood, the capital of Sool region by pro-Somaliland forces, as the military wing of the Northern Somali Unionist Movement (NSUM). NSUM is a diaspora network dominated by members of the Dhulbahante clan, which professes to be "a grass-roots Somali organization" opposed to "the one-clan-driven secession calling themselves 'Somaliland'", and which "stands for the promotion of peace and unity among the long-suffering people of Somalia".[55]

84. On 16 October 2009, a conference of eminent personalities from the Dhulbahante clan in Nairobi re-launched SSCA as the "The Unity and Salvation Authority of the SSC Regions of Somalia" (*Hoggaanka Mideynta iyo Badbaadinta Gobolada SSC ee Soomaaliya*), with Suliman Ahmed Issa "Hagle-Toosiye" as "President" and Ali Hassan Ahmed "Sabarey" as his "Vice President". The two leaders are, respectively, American and Canadian citizens. Violence in Sool region subsequently escalated, culminating in serious clashes in the vicinity of Kaalshaale in late 2010 and early 2011, which left dozens dead and tens of thousands displaced.

Figure III
Sool Sanaag Cayn Army "President" Suliman Ahmed Issa "Hagle-Toosiye"

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[55] http://www.n-sum.org/?q=node/7.

85. Although not responsible for instigating the Kaalshaale incident, the NSUM/SSCA leadership deliberately sought to escalate the violence and incite further inter-communal conflict. Political entrepreneurs in the Somaliland camp were also quick to portray the conflict in terms that would justify military escalation and impede reconciliation.

86. For a more detailed case study of SSCA, see annex 1.3.

F. Piracy

87. Somali piracy continued to flourish in 2010, with the International Maritime Bureau Piracy Reporting Centre recording 219 incidents and 49 hijackings.[56] International counter-piracy operations have made little impact on the level of pirate activity, with the number of piracy incidents and the 27 per cent hijacking success rate virtually unchanged in comparison with 2009,[57] but they have effected important changes in pirate operations and tactics.

88. One important change in 2010 has been a 50 per cent decline in attacks in the Gulf of Aden, due to a combination of naval operations, the adoption of best practices by the shipping industry and probably also to the increased use of private maritime security companies for armed protection on commercial and private vessels. Attacks and hijackings, however, have increased significantly in areas where naval forces have less or no patrol capacity, such as the Red Sea and the wider Indian Ocean. Pirate attacks have been recorded as far away as the coast of Oman (Arabian Sea) to the north, Ilha Magaruque in the Mozambique Channel to the south and Minicoy Island (India) to the east.

89. Pirate tactics, techniques and procedures have also evolved in response to international pressures. In order to operate at greater distances from their bases, pirates have increasingly made use of "mother ships", such as dhows, fishing vessels,[58] yachts[59] and even hijacked merchant vessels, as platforms from which to launch attacks. Some pirate attack groups also employ modified skiffs with greater speed and range.[60] Such measures allow Somali pirates to operate in an area so vast that it cannot possibly be properly policed by international naval forces.

Tactics, techniques and procedures

90. The fundamental modus operandi of a standard pirate attack has not changed much in recent years. Despite reports that pirate operations are informed by extensive and sophisticated intelligence networks, the selection of targets and tactics employed would suggest otherwise.[61] Pirate attack groups generally still position themselves in busy shipping lanes in search of targets to attack, which they

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[56] Data may differ from other sources. The European Union Naval Force (EU NAVFOR), for example, recorded 47 hijackings.

[57] The hijacking success rate in 2009 was 28 per cent.

[58] Including FV *Tai Yuan 227*, FV *Prantalay* 11 and 14, FV *Jih Chun Tsai 68*, FV *Vega 5*, FV *Monteza*.

[59] SV *Felix* (hijacked around 14 December 2010).

[60] For example, one seized pirate skiff featured three separate, well-concealed 500l fuel tanks built into the hull and connected to two 60 HP Yamaha outboard engines.

[61] To date, a standard Garmin Global Positioning System still remains the most advanced and commonly used device for pirates to determine location and travel routes.

apparently do at random. The number of pirate attacks against foreign military naval vessels, uniformly unsuccessful, suggests that pirate intelligence capabilities are at best erratic.[62]

91. Pirate attack groups generally consist of two or three skiffs,[63] each manned with four to seven armed pirates,[64] and often deployed from a mother ship. The use of firearms against the attacked vessel and its crew has been reported in 92 per cent of all registered attacks since December 2008.[65]

92. Operations at greater distances from land for longer periods have increased the use of mother ships. Whalers, dhows and fishing vessels have so far been successfully used in that capacity as platforms for logistics, deployment and, if necessary, assistance to pirate attack groups in distress. Since 2010, Somali pirates have also begun to use hijacked merchant vessels as mother ships. The first such use of a pirated merchant vessel in that role was reported in February 2010. Since then, the use of merchant vessels mother ships, with their crews as hostages (including a very large crude carrier),[66] has grown steadily and eventually exploded in late 2010 (see annex 4).

93. A first direct attack by a merchant vessel mother ship against another vessel was registered in November 2010, and a month later, the merchant vessel *Motivator*[67] was found involved in the hijacking of the merchant vessel *EMS River*.[68] In some of those attacks, pirates have used heavy gunfire against the targeted vessel and crew, directly from the deck of the mother ship.[69] A total of 16 incidents have been recorded where the use of a merchant vessel mother ship has been identified but it is likely more attacks have occurred. A total of 19 hijacked merchant vessels have so far been used as pirate mother ships,[70] although the higher fuel costs of these larger vessels and the successful recovery of a merchant vessel mother ship by international naval forces seem to have encouraged a shift back to the use of smaller craft such as dhows and fishing boats.

94. Pirates have adapted to counter-piracy operations by adopting specific techniques and tactics in order to avoid arrest and prosecution. These include concealing weapons and equipment in skiffs from aerial surveillance through the use

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[62] In 2010, pirate attack groups mistakenly attacked the following: *HMS Tromp* (29 March 2010, Indian Ocean); *USS Nicholas* (31 March 2010, Indian Ocean); *USS Ashland* (10 April 2010, Gulf of Aden); *FS Somme* (19 April 2010, Indian Ocean); *Kenyan Navy* (6 November 2010, Indian Ocean).

[63] Small boats fitted with very powerful 40-60 HP Yamaha outboard engines.

[64] The ages of sea pirates generally varies between 17 and 32 years, with some exceptions. Minors and elderly pirates occasionally participate in pirate operations but their involvement is not common. To what extent minors are pirates and not just guards or crew members remains unclear to date.

[65] EU NAVFOR recorded 413 attacks between December 2008 and April 2011. In 380 cases, pirates have fired weapons, representing 92 per cent of all attacks.

[66] Merchant vessel *Samho Dream*, spotted at sea in September 2010.

[67] Hijacked on 4 July 2010.

[68] Hijacked on 27 December 2010.

[69] For example, the pirate attacks of MV *Uzumi* against MV *Torm Kansas* on 5 November 2010.

[70] MV *Iceberg*, MV *Motivator*, MV *Suez*, MV *Uzumi*, MV *York*, MV *Polar*, MV *Hannibal II*, MV *Yuan Xiang*, MV *Albedo*, MV *Jahan Moni*, MSC *Panama*, MV *Renuar*, MV *Orna*, MV *Blida*, MV *Samho Jewellery*, MV *Sinar Kudus*, MV *Irene SL*, MV *Aly Zoulfecar* and MV *Golden Wave*.

of hidden panels or the use of ladders as benches,[71] and by throwing weapons and pirate paraphernalia overboard when facing imminent boarding or arrest.

95. Recent media and other reporting also suggest increasing use of violence by pirates against crew and ships.[72] The torture of crewmembers on the MV *Marida Marguerite*, for example, was an appalling example of brutal and extreme violence. However, despite such egregious incidents, there is no evidence that the use of violence against or mistreatment of hostages by Somali pirates has either escalated or become more widespread in 2010 than in previous years.[73] The fact remains that, after the initial pursuit and boarding, in which violence is routine, it is in the interests of the pirates to safeguard a hijacked crew and the vessel in order not to complicate the negotiations with the shipping company. However, pirates will not hesitate to use lethal violence if they feel threatened or if any attempt is made to retake the hijacked vessel and/or free the crew.[74]

96. Lastly, more distant and prolonged voyages at sea have imposed on pirates higher operational costs, which are partially responsible for higher ransom demands.[75] This in turn engenders more difficult and prolonged negotiations, which can heighten the tension between pirates and hijacked crews, and may be reflected in threats or abuse directed against crewmembers.[76]

97. Detailed descriptions of an attack and a hijacking (of the MV *Almezaan* and MV *Victoria*) illustrating tactics, techniques and procedures are contained in annexes 4.1.a and 4.1.b.

Pirate negotiators

98. Another development has been the growing importance of pirate negotiators, also called "interpreters", within piracy networks. Negotiators are entrusted with one of the most important tasks in the business: to get the shipping company to pay the maximum amount of ransom for the release of its hijacked vessel. Some negotiators may be involved with two or more ships at a time, sometimes for different networks.[77] At the time of writing of the present report, some 14 pirate negotiators are negotiating the release of 25 merchant ships, trawlers and a sailing yacht in exchange for millions of dollars.

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[71] Pictures of modified skiff obtained from confidential military source in annex 4.1.b.

[72] http://www.bbc.co.uk/news/world-africa-13486015; S/2010/556; http://marineinsurance2u.com/maritime-news/the-itf-international-transport-workers-federation-is-recommending-the-carrying-of-military-guards-on-ships/; http://articles.boston.com/2011-01-19/news/29343494_1_somali-coast-somali-pirates-maritime-watchdog; http://www.globenews24.com/EN/news,somalia-pirates-increasing-violence-to-raise-stakes.

[73] Violence to crew in 2009: 867 hostages, of which 10 injured (1.15 per cent) and 4 killed/1 missing (0.57 per cent); in 2010: 1,016 hostages, of which 13 injured (1.2 per cent) and 8 killed (0.78 per cent).

[74] For example, the MV *Beluga Nomination* incident.

[75] Ransom amounts have dramatically increased, with an estimated pay out of $4.26 million per vessel released, representing an estimated $102 million in revenue for 2010. The highest reported ransom payment during the course of the mandate was $11 million (crude oil tanker MV *Irene SL*, 7 April 2011, Enesel S.A.); the lowest, $700,000 (Barge DN127, Jan De Nul Dredging Ltd.).

[76] This observation is based on a crew debriefing in Salalah, Oman, 4 and 5 January 2010.

[77] In one particular case, a negotiator was involved in 4 or 5 hijacking cases simultaneously.

99. Since negotiators must master foreign languages, especially English, they are usually recruited from outside pirate networks, operating essentially as "consultants" to pirate militias, although often linked by clan affiliation. Many have worked or studied outside Somalia and continue to travel abroad. Important negotiators in 2009 and 2010 included Ali Hassan Sharmarke, Looyaan Si'id Barte, Mohamed Saaili Shibin and Ahmed Saneeg.

100. For a more detailed analysis of pirate negotiators, including a case study on Looyaan Si'id Barte, see annex 4.2.

Pirate arms and ammunition

101. Pirates do not maintain large and diverse arsenals, but they demand a steady supply of arms and, more importantly, ammunition, to sustain their offshore operations. These are either obtained from arms dealers in Boossaaso, Galkayo and Mogadishu or provided by the pirates themselves, who in some cases are allotted additional shares of the ransom for doing so (see annex 4.1.d).[78] The arsenals of pirate attack groups generally comprise pistols,[79] Kalashnikov-pattern assault rifles, PKM light machine guns or equivalent, and rocket propelled grenade (RPG) (see annex 4.1.e). In several cases pirates have also mounted 12.7 mm heavy machine guns on the decks of hijacked vessels at anchor in order to prevent attacks by other pirate groups or navies.[80]

102. During the course of the mandate, the Monitoring Group received photographic and documentary evidence of weapons confiscated during counter-piracy operations and was able to physically inspect some samples. In most cases, the weapons were either too old, or the information insufficient, to allow the Group to determine the chain of custody of the weapons. But in a handful of cases involving RPGs and Kalashnikov-pattern assault rifles seized from pirate vessels during four counter-piracy operations in March 2010, the Group obtained sufficient information to be able to initiate tracing requests (see annex 4.1.a).

103. In March 2010, the European Union Naval Force (EU NAVFOR) seized 18 Chinese-manufactured 40 mm type-69 rockets[81] with the lot number 01-08-5823 in four separate counter-piracy operations in the Indian Ocean.[82] Furthermore, two Chinese-manufactured RPG expulsion charges, with lot number 01-08-5822, were seized during two of the operations.[83] The sequence in serial numbers, together with the fact that they were in use at the same time, suggests that they may have been supplied from a single source. According to the Government of China, the aforementioned RPGs were "... produced by one Chinese company in 2008 and exported to one African Government in East Africa through normal bilateral military

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[78] Interview in Mogadishu with close Somali associates of pirates between January and April 2011; interview with former pirate in Nairobi, 18 April 2011; interview with convicted pirate in Hargeysa, 14 May 2011.

[79] The most common pistols used among pirates are the Makarov and Tokarev (TT).

[80] Interviews with crewmembers from MV *Victoria* on 23 March 2011, MV *RIM* on 23 March 2011 and MV *Buccaneer* on 24 March 2011, in Constanta, Romania. Crew debriefing MV *Panega*, 15 September 2010, in Salalah, Oman. Interview with imprisoned pirate in Somalia, 14 May 2011.

[81] Equivalent to the RPG-7 grenade.

[82] 10 RPGs on 5 March 2010 (FS *Nivôse*); 4 RPGs on 15 March 2010 (Hr. *Ms. Tromp*); 1 RPG on 20 March 2010 (FGS *Emden*); 3 RPGs on 23 March 2010 (ESPS *Navarra*).

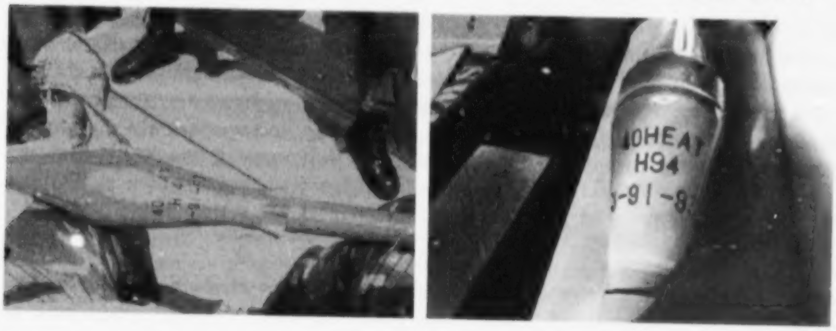
[83] On 15 March 2010 (Hr. *Ms. Tromp*) and on 20 March 2010 (FGS *Emden*).

trade".[84] The Monitoring Group sent a subsequent letter requesting that China provide more specific details on the sale of the items, but China has yet to respond.[85]

104. Two RPGs bearing a third lot number, 3-91-93, were seized by EU NAVFOR forces from two different pirate attack groups on 15 and 20 March 2010. The marking on that ammunition is identical to that of RPGs seized from ONLF fighters in Somaliland (see paras. 274-279 below and the case study in annex 8.3). Since the ONLF RPGs were supplied by Eritrea, it is plausible that the RPGs seized on 15 and 20 March 2010 were at one point supplied from Eritrea to Somalia.[86]

Figure IV

RPG (3-91-93) seized from pirates **RPG (3-91-93) seized from ONLF**



105. In addition, the Monitoring Group also documented two Chinese-produced type-56[87] assault rifles that had been seized from a pirate attack group on 20 March 2010. The Government of China informed the Monitoring Group that the rifles were "... produced in 1976 and 1991 by one Chinese factory. No sales record can be found now due to the closure of the factory".[88]

106. Lastly, the Monitoring Group identified three Soviet manufactured RPG expulsion charges — with markings ПГ-70М, НБЛ-42 4/87, 22-87 — that had been seized during the same operation on 20 March 2010. The Russian Federation confirmed that those rocket charges had been produced in the Soviet Union, but stated that production of the grenades was stopped in 1987, which is why it was not possible to determine the state of the production by that marking.[89]

Principal piracy networks

107. As noted in previous Monitoring Group reports, Somali piracy has historically been dominated by two principal networks based in north-eastern Somalia

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[84] Letter dated 14 January 2011 from the Government of China.

[85] Letter dated 28 January 2011 from the Monitoring Group to the Government of China.

[86] In a letter dated 14 January 2011, the Government of China claimed that no sales records could be found due to the closure of the factory, but circumstantial evidence suggests that the RPGs in question were supplied to the ONLF from Eritrea.

[87] Type-56 is the Chinese equivalent of the Russian AK-47.

[88] Letter dated 14 January 2011 from the Government of China.

[89] Letter of 17 January 2011 from the Government of the Russian Federation.

(Puntland) and the Xarardheere and Hobyo districts of southern Mudug region.[90] The activities of a third network, operating from Las Qoray in eastern Sanaag region, were disrupted in October 2009, when its leader, Fu'aad Hanaano, was arrested together with several other pirates by the Government of Yemen.[91]

108. Despite their distinct clan and regional characteristics, there have long been indications of cooperation between the Puntland and the Hobyo-Xarardheere networks: contacts between their leaders, joint participation in some sea operations, the movement of hijacked ships from one anchorage to another, shared negotiators and common suppliers, to name a few. At the end of 2010, such ostensibly ad hoc cooperation was superseded by an agreement to join forces and establish a base at Garacad, where operations would be coordinated and profits would be shared.[92]

109. At the end of January 2011, however, under sustained pressure from local elders and the Puntland administration, pirates suddenly abandoned their base at Garacad, and most of the hijacked vessels anchored there were relocated to Ceel Dhaanaan, a fishing settlement located some 24 nautical miles further south, close to the border of Jiriiban and Hobyo districts. A month later, the "Galmuduug" administration deployed 100 police officers to Hobyo and successfully negotiated the departure of the pirates to other locations.[93] Following those discussions the vessels anchored off Hobyo were moved to another anchorage known as Caduur, located approximately 10 nautical miles north of Hobyo.[94]

110. Elements of both networks now appear to have merged, operating principally from the largest anchorage at Ceel Dhaanaan, while other elements of the Hobyo-Xarardheere network continue to operate from Caduur and a pirate camp south of Xarardheere.[95]

111. Even though the territorial space for pirate anchorages has been shrinking, engagement in piracy has expanded dramatically. With the exception of Somaliland, pirate operations are now launched from pirate camps all along the Somali coast, from Ceelayo (west of Bosaaso) to areas south of Kismaayo, and pirate militias increasingly include members from Mogadishu, Merka, Baraawe and Kismaayo.

112. Pirate activities — though not anchorages — in Al-Shabaab-controlled areas, such as Xarardheere, Eel Ma'aan, Baraawe, Merka, Kismaayo and Komaya Island, all point to growing tolerance of piracy within Al-Shabaab, which has historically professed its hostility to the practice. This is particularly evident in the coexistence of pirate militias with Al-Shabaab in the Hobyo/Xarardheere area, where Al-Shabaab leader, Sheikh Hassan Afrah (who, like the most important subgroup of

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[90] See Monitoring Group reports S/2008/769 (10 December 2008), S/2008/274 (24 April 2008) and S/2010/91 (10 March 2010).

[91] Since 13 October 2009, pirate militia leader Fu'aad Hanaano and his associates have been jailed in Aden, Yemen, serving a five-year sentence on charges of piracy and human trafficking. Recent but unconfirmed reporting alludes to Hanaano's release from jail in Yemen, indicating his return in Buran, in eastern Sanaag.

[92] E-mail from a military source, 5 December 2010; e-mail from a Somali official, 14 October 2010.

[93] Nairobi, 5 March 2011: interview with confidential source.

[94] See http://www.markacadeey.com/january2011/20110129_1e.htm and a security report of the United Nations Department of Safety and Security of the Secretariat dated 30 January 2011. Situation on 4 April 2011 and information obtained from military source.

[95] Situation on 25 April 2011.

the pirate network, from the Habar Gidir Saleebaan subclan) has reportedly been responsible for ensuring that local Al-Shabaab forces obtain their share of ransom payments,[96] and for troubleshooting when frictions between pirates and Al-Shabaab militias emerge.[97]

113. It is the Monitoring Group's assessment that this arrangement is local and, to a large extent, clan-based, and no evidence has been found to suggest any broader or more systematic involvement of Al-Shabaab in piracy. However, Al-Shabaab's growing ambivalence with respect to piracy is a disturbing trend that suggests closer, more structured cooperation between the two groups cannot be ruled out in the future.

Puntland and piracy

114. Puntland has long been a principal hub of piracy, and many pirate leaders and militia are still of Puntland origin. Until late 2010, pirate anchorages were located at Xabo, Bargaal, Bandarbeyla, Eyl, Garacad and a coastal pirate camp was located between Garacad and Eyl.[98] As documented in previous Monitoring Group reports, the attitude of the Puntland authorities was deeply ambiguous, with officials at all levels benefiting from piracy proceeds.[99]

115. In 2010, however, the Puntland administration began to adopt a firmer stance against piracy, and during the course of the year pirate anchorages began to shift southwards from the notorious piracy stronghold of Eyl to the village of Garacad in northern Mudug region. On 18 May 2010, the Puntland authorities arrested pirate boss Abshir Abdillahi "Boyah", who had been named in the Monitoring Group's December 2008 and March 2010 reports, together with 10 other pirates, during an operation by Puntland security forces on the outskirts of Garoowe.[100] In May 2011, the Monitoring Group received information indicating that Boyah had been sentenced in January 2011 to five years in prison and a fine of 50 million Somali shillings,[101] and was incarcerated in Bosaaso, but has been unable to obtain official confirmation of Boyah's status from the Puntland administration.

116. Despite this apparent progress, Puntland's commitment to fighting piracy merits close monitoring and sustained pressure. A number of senior and well-known Puntland pirate leaders and negotiators — including Mohamed Abdi Garaad, Abdullahi Ahmed Haji Farah (Abdi Yare),[102] Mohamed Saaili Shibin (Ali Jamaa),[103] Abdulkadir Musse Hirsi Nur (Computer), "Bakeyle", Looyaan Si'id

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[96] Interviews in Nairobi with a Somali source having direct knowledge of the Hobyo/Xarardheere piracy network (November 2010-January 2011) indicate that local Al-Shabaab units are given from 10-20 per cent of the ransom money paid for the release of vessels anchored at Xarardheere.

[97] See, for example, http://www.demotix.com/news/495081/teenage-al-shabaab-soldiers-training. Also, a November 2010 United Nations document and interview with a reliable Somali source in Nairobi, 21 January 2011.

[98] 40 km SSW of Eyl and approximately 60 km NNE of Garacad.

[99] Monitoring Group reports S/2008/769 (10 December 2008) and S/2010/91 (10 March 2010).

[100] According to the Puntland administration's official website: http://puntland-gov.net/viewnews.asp?nwtype=News&nid=News20155181510214670б.

[101] Equivalent to approximately US$ 30,000.

[102] Also known as Abdullahi Farah Hassan.

[103] Arrested by the United States during the first week of April, in connection with the *SY Quest* case. Brought to Norfolk, Virginia (United States) for trial.

Barte (Loyan), all of whom have been involved in multiple hijackings — either continue to visit Puntland or to operate there with impunity. Likewise, convicted pirates have been released on dubious grounds, such as Abdirashid Muse Mohamed, who was sentenced to 20 years in prison for his involvement in the October 2008 hijacking of the MV *Awail*, but released in late 2010 by a "presidential pardon" granted to 42 prisoners on the occasion of Eid Holiday.[104]

117. Although the Puntland authorities have extended cooperation to the Monitoring Group on a range of other issues, they have failed to respond to queries on piracy-related matters, such as the closure of Garacad, the arrest and alleged conviction of Puntland pirate Abshir Abdillahi Boyah and the extradition of 8 imprisoned pirates from Egypt to Puntland in October 2009.[105]

118. Moreover, the Monitoring Group has learned that since May 2009, four fishing vessels of the Republic of Korea have been frequently and repeatedly observed fishing off the coast of Puntland and delivering their catch to Bosaaso port.[106] Notwithstanding Somali pirate rhetoric claiming to protect Somali marine resources, those vessels operate confidently in Somali waters, broadcasting automatic identification system signals and remaining in visual distance from the shore with slow speed, lowered stern ramp and no obvious precautionary measures. According to information received by the Monitoring Group, the companies operating the vessels have been issued "approved licences to fish" in Puntland territorial waters. None of the vessels has ever reported an attack by Somali pirates — a finding that appears to validate the Monitoring Group's previous observation that "the sale of licences to foreign vessels in exchange for fishing rights has acquired the features of a large-scale 'protection racket', indistinguishable in most respects from common piracy".[107]

Hobyo-Xarardheere piracy network

119. The Hobyo-Xarardheere network remained highly active in 2010, despite the presence of Al-Shabaab in Xarardheere town. A total of 17 hijacked vessels were taken to the network's main anchorages, Xarardheere and Hobyo.[108]

120. One of the largest pirate militias active in the Hobyo-Xarardheere area is headed by Mohamed Abdi "Garfanji". Another key figure is Ahmed "Saneeg", a 40-45-year-old and very active pirate negotiator in Xarardheere who learned English in Mogadishu and has seemingly engaged in negotiations under the pseudonym "Ali".[109] After refusing to join Garfanji's militia, Saneeg apparently invested enough of his negotiator's earnings to become a warlord himself, and established a

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[104] Convicted in April 2009 (see http://www.dhnet.be/infos/monde/article/257508/somalie-dix-pirates-condamnes-a-20-ans-de-prison.html). Release confirmed by a confidential source/e-mail dated 12 February 2010. The Monitoring Group is unaware how many of the released 42 prisoners were former pirates.

[105] E-mail sent on 27 April 2011 to the Minister of Maritime Transport, Ports and Counter Piracy of Puntland, Saeed Mohamed Rage. A letter requesting detailed information about the extradition was also sent to the Government of Egypt by the Monitoring Group on 21 March 2011. In its reply of 28 March 2011, the Government of Egypt did not provide the information requested.

[106] FV *Aurola* No.7, FV *Aurola* No.9, FV *Golden Lake* 808 and FV *Ixthus No.7*.

[107] See S/2003/1035.

[108] Xarardheere (11) and Hobyo (6).

[109] MV *Thai Union*, for example.

militia of some 200 men. Other prominent pirate leaders include "Abshir Geesoweyne",[110] Talil Hashi and "Suhufi".[111]

121. Mohamed Abdi Hassan "Afweyne", the network's founder and former leader, is believed to have retired from day-to-day operations, which have reportedly been taken over by his son Abdiqadir.[112] Afweyne nevertheless continues to profit from the piracy business, since he dominates the local *qaad* trade — a highly lucrative enterprise. For a more detailed treatment of piracy finances, including the *qaad* trade, see annex 4.3.

IV. Violations of the general and complete arms embargo*

122. For practical purposes, the Monitoring Group distinguishes between technical violations and substantive violations of the embargo. Technical violations involve activities that the Group believes may be eligible for an exemption, such as support to Somali security sector institutions, but for which no authorization has been granted by the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea. Substantive violations involve activities that the Group believes would, under no circumstances, be eligible for an exemption.

123. Arms and ammunition continue to enter and be trafficked through Somalia in violation of the general and complete arms embargo. Throughout the course of the mandate, the Monitoring Group did not observe any discernable change in the flow of arms and ammunition, or the types of weapons being used on the battlefield compared with previous Monitoring Group reports.

124. Somali sources close to the arms trade indicate that the majority of weapons deliveries are supplied by sea from Yemen, but that assertion is impossible to quantify, and the Government of Yemen denies that arms and ammunition are smuggled from its shores.[113] Historically, the north-eastern coast of Somalia, and notably the port of Bosaaso, has been the most common destination for arms deliveries arriving from Yemen by sea. Smaller ports along the northern and eastern coasts of Somalia are also utilized for illicit shipments of weapons, though to a lesser degree.

125. While there is a steady demand for weapons throughout most of Somalia, the bulk of arms deliveries are ultimately destined for Mogadishu, where clashes occur daily. Up to 80 per cent of the arms and ammunition that arrive in Bosaaso are trafficked onward by road to Mogadishu and other Al-Shabaab strongholds south of Puntland.[114] The remainder are destined to support piracy operations, armed conflicts in regions other than Mogadishu and intercommunal disputes elsewhere in Somalia.

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[110] Also known as Abshir "Geesoweyne" Abdullahi; Geesoweyne is a nickname that means "big horns".

[111] Interview in Nairobi with a Somali source having direct knowledge of the Hobyo-Xarardheere piracy network, 21 January 2011.

[112] Abdiqadir Mohamed Abdi.

* In paragraph 8 (b) of its resolution 1844 (2008), the Security Council prohibits acts that violate the general and complete arms embargo imposed by the Council in resolution 733 (1992).

[113] Meetings with officials of the Government of Yemen, Sana'a, 20 January 2011.

[114] Interview conducted in Nairobi with Somali source with close ties to arms dealers in Mogadishu and Gaalkayo, 14 April 2011.

126. Another common port of entry for arms and ammunition for Al-Shabaab-controlled areas is the port of Kismaayo. Situated roughly 400 km south of Mogadishu, the area between the two towns is almost exclusively under the control of Al-Shabaab, allowing them to easily and efficiently deliver weapons by road to their forces in Mogadishu. During the Ramadan offensive in August and September 2010, for instance, several lorry loads of arms and ammunition arrived in Mogadishu just days after a consignment of weapons reportedly landed at Kismaayo airport.[115]

127. The ports of Baraawe (178 km south-west of Mogadishu) and Marka (70 km south-west of Mogadishu) are not as active as Kismaayo, but serve as secondary points of entry for weapons going to Al-Shabaab.

A. Bakaara arms market

128. Consistent with previous Monitoring Group reports, Bakaara market remains the most influential arms market in Mogadishu, and quite possibly the whole of Somalia. The arms section of Bakaara market has been dubbed *Cirtoogte*, meaning "sky shooter", because buyers often test-fire weapons into the air while deciding whether to purchase them. Although the arms dealers in Bakaara market are strictly businessmen, many are closely affiliated with Al-Shabaab, who are — at least for the time being — overwhelmingly the principal buyers and set price caps on the arms and ammunition.[116]

129. While arms prices tend to remain fairly constant, demand factors such as the intensity of conflict induce fluctuations in the price of ammunition — notwithstanding Al-Shabaab's attempts to exercise regulatory control of the market. A price comparison of arms and ammunition from Bakaara market prior to and during an AMISOM/Transitional Federal Government offensive in Mogadishu beginning on 22 February 2011 is illustrative of that behaviour.[117] While a Kalashnikov-pattern assault rifle sold for an average of $400 both before and during the offensive, a single round of 7.62x39 mm ammunition (for Kalashnikov-pattern assault rifles) increased from $0.29 before the offensive to $0.33 shortly after the offensive began.[118] As the offensive persisted, the price of ammunition continued to rise, although the price for weapons remained the same. In early March 2011, for instance, a round of 7.62x39 mm ammunition sold for $0.40, an increase of $0.07 from the start of the offensive. Moreover, by the end of March 2011, the same ammunition was selling for $0.42.

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[115] Interviews with multiple sources, including an Al-Shabaab commander who defected just after the Ramadan offensive in Mogadishu, January 2011.

[116] Interviews with multiple sources with close ties to the arms trade in Mogadishu, January-April 2011.

[117] Three independent sources collected price data from a total of six different arms dealers in Bakaara market every two weeks, January-April 2011. All price quotes are based on a United States dollar average of the data collected. Most prices for ammunition only differed by US$ 0.01-0.02 per round, depending on the seller. Outliers were not factored into the average prices.

[118] Price differentiation in Kalashnikov-pattern assault rifles depends on a number of factors, including the make, origin and age of the rifle. The price of ammunition is converted from Somali shillings. Buying ammunition in bulk yields a lower price. For example, during the offensive a case of 1,500 rounds of 7.62x39 mm ammunition sold for $450 ($0.30 per round).

130. Over the same period, a similar pricing pattern was observed for 7.62x54R mm ammunition, used for light machine guns. For that calibre, the price rose from $0.30 prior to the offensive to $0.40 by the end of February 2011, spiking one month later at $0.50 per round, a 66 per cent increase from two months earlier. Similarly, RPG ammunition increased from $200 in January 2011 to $285 in March 2011.

131. As a result of the territorial gains that AMISOM and the Transitional Federal Government had achieved during the February 2011 offensive, arms dealers in Bakaara market emptied their stores of all arms and ammunition out of fear of an imminent takeover. The dealers reportedly still occupy their shops, but their stocks have been shifted to storage facilities north of Mogadishu in Dayniile and to Al-Shabaab-controlled areas within Mogadishu.[119]

B. Diversion of arms and ammunition from the Transitional Federal Government and affiliated militia

132. Diversion of arms and ammunition from the Transitional Federal Government and its affiliated militias has been another significant source of supply to arms dealers in Mogadishu, and by extension to Al-Shabaab.[120] Owing to a lack of international support to the Government and corruption at the ministerial level, soldier salaries are inadequate — $100-$150 per month — and are paid periodically at best. As a result, soldiers rely on their ammunition as their only form of currency, which is commonly tendered in exchange for food, medicine and other necessities to support multiple children and, in some cases, more than one wife. An intersection controlled by the Government in Mogadishu, known as "kilometre four" (K4), is one of the primary locations where the Government sells its ammunition, often in exchange for *qaad*, which is widely sold on the streets of K4. *Qaad* vendors often serve as intermediaries for arms dealers and brokers in Bakaara market and, in some cases, sell directly to Al-Shabaab.[121]

133. In early 2010, AMISOM began overseeing the storage and dispensation of the arms and ammunition of the Transitional Federal Government. This system was instituted in order to stem the Government corruption that had surfaced in previous years. In practice, the Government submits orders for arms and ammunition to AMISOM, who fill the requests based on an assessment of need. By late 2010, all small arms, light weapons and ammunition allotted to the Government had been distributed.[122] Consequently, and in the absence of continuous support from donor States, AMISOM began supplying small arms and light weapons ammunition to the Government and its affiliates from its own stocks. As of April 2011, AMISOM Force headquarters was disseminating ammunition to its more than one dozen Sector headquarters. AMISOM sector commanders at each site regulate the distribution of ammunition to the Transitional Federal Government and militia

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[119] Interviews with multiple sources with close ties to the arms trade in Mogadishu, March 2011.

[120] Interviews with multiple sources, including arms dealers, AMISOM officials and officials within the Transitional Federal Government and pro-Transitional Federal Government militia in Mogadishu, January-April 2011.

[121] Interviews with AMISOM and Transitional Federal Government officials as well as multiple sources with close ties to the arms trade in Mogadishu, January-April 2011.

[122] The Monitoring Group inspected AMISOM-held Government stocks and interviewed the Stock Manager on 25 January 2011 in Mogadishu.

commanders on the front line, who are then responsible for handing it out to their forces.[123]

134. In December 2010, the Transitional Federal Government arrested one of its soldiers for purchasing arms and ammunition from Government soldiers on the front-line and selling them for profit to arms dealers in Mogadishu. The Somali National Security Agency conducted a sting operation in which they purchased more than $6,000 worth of arms and ammunition from the individual concerned. In addition, the Agency has accused him of masterminding Government defections to Al-Shabaab, with a view to purchasing soldiers' weapons prior to their defection.[124]

135. Despite AMISOM oversight and the efforts of the Transitional Federal Government at self-policing, ammunition continues to leak from the custody of Government and militia commanders to the illicit market. The predominant perception in Mogadishu is that the Government and pro-Government forces sell between one third and one half of their ammunition.[125] While the Monitoring Group was unable to confirm this quantitatively, it observed a strong correlation between the ammunition issued to the Government and pro-Government militia, ammunition sold in Bakaara market and ammunition confiscated from Al-Shabaab. Between January and April 2011, the Monitoring Group undertook an evidentiary study in order to compare a total of 15 different varieties of 7.62x39, 7.62x54R and 12.7x108 mm ammunition found in AMISOM stocks with 11 varieties of ammunition observed in Bakaara market and six varieties of ammunition that had been seized from Al-Shabaab.[126] Of the 11 varieties of ammunition observed in Bakaara market, 8 bore the same lot number as those found in AMISOM ammunition stocks. Moreover, among the six varieties of ammunition seized from Al-Shabaab, four were of the same lot number as AMISOM ammunition.[127] More detailed findings of this study are available in annex 5.1.

C. Improvised explosive devices

136. Improvised explosive devices continue to be employed as a tactic of war throughout Somalia. Not only has Al-Shabaab used them against AMISOM, the Transitional Federal Government, and its affiliated militias, but incidents have also occurred in Puntland and Somaliland, where they have been used to assassinate local officials.

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[123] Interviews with AMISOM and Transitional Federal Government officials, January-April 2011, Mogadishu.

[124] Interview with National Security Agency officials and suspect, Mogadishu, 7 April 2011.

[125] Interviews with multiple sources in Mogadishu, January-April 2011.

[126] Between January and April 2011 the Monitoring Group recorded spent cartridges from AMISOM firing ranges that AMISOM confirmed had not been distinguished from their normal stocks. Three independent sources collected data on ammunition from a total of six different arms dealers in Bakaara market. The Transitional Federal Government and AMISOM granted the Monitoring Group access to ammunition confiscated from Al-Shabaab on the battlefield. Each variety constitutes a specific lot number, or ammunition head stamp, comprising hundreds of samples of each particular lot number.

[127] Although the Monitoring Group observed matching lot numbers between samples, cross-contamination of ammunition in Bakaara market and Al-Shabaab samples due to non-Government supply is a possibility, but unlikely in most cases, considering the multiplicity of ammunition lot numbers that could have been imported from other sources.

137. The rate of attacks using improvised explosive devices in Mogadishu has fluctuated throughout the course of the mandate. When AMISOM and the Transitional Federal Government made noticeable gains on the battlefield, Al-Shabaab tended to counter with one or more improvised explosive device attacks, proving their ability to inflict mass casualties. In February 2011, when AMISOM, the Government and its affiliates launched a large-scale offensive, Al-Shabaab resorted to an increase in asymmetrical warfare tactics, such as attacks using vehicle-borne improvised explosive devices and person-borne improvised explosive devices against strategic positions.[128] From April 2010 to April 2011, there were 137 improvised explosive devices-related incidents in Somalia, with well over half occurring in Mogadishu.

Figure V

Improvised explosive device incidents in Somalia, by region from April 2010 to April 2011

Bakool	1	Lower Juba	2
Banaadir	98	Lower Shabelle	1
Bari	15	Middle Shabelle	1
Bay	1	Mudug	5
Galguduud	1	Sool	1
Gedo	5	Togdheer	2
Hiraan	3	Woqooyi Galbeed	1
Total			**137**

138. Improvised explosive device technology in Somalia is relatively low-tech compared with other conflict arenas. This is due in part to the AMISOM and Transitional Federal Government's lack of electronic countermeasures that would necessitate use by Al-Shabaab of more advanced devices. Most attacks are intended to yield human casualties rather than evoke structural damage to buildings. The most common explosives used in attacks are TNT and RDX, which can be extracted from mortars and other high explosive artillery shells. More rudimentary improvised explosive devices include anti-tank mines and medium-to-high-calibre ammunition that can be altered for remote detonation. As for fragmentation improvised explosive devices, bomb makers lay 3-10 cm pieces of rebar, nuts and bolts, and ball bearings cast in resin on top of the explosive.

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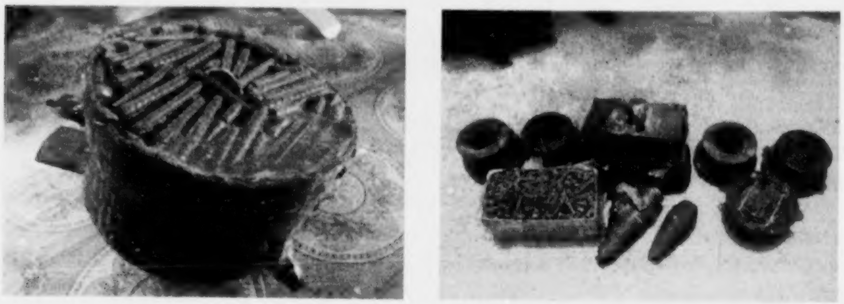
[128] At a meeting held on 10 February 2011 in Dayniile — an Al-Shabaab stronghold, just north of Mogadishu — Ahmed Abdi Godane reportedly told Al-Shabaab leaders that ordinary clashes were not enough to weaken AMISOM and Transitional Federal Government forces. He encouraged them to employ supplementary activities such as vehicle-borne improvised explosive device attacks, assassinations and roadside bombs. Confidential security assessment, 14 February 2011.

Figure VI



Directional fragmentation improvised explosive device with rebar in Hargeysa, October 2010

Assorted improvised explosive devices in Mogadishu, April 2011

139. Mobile phones have often been used as transmitter devices for attacks in Somalia, the most common being the Nokia 1200-series. However, such methods are not always effective in Somalia due to unreliable network signals.

Case study
Taizhou Bodyguard Alarm Equipment Company Ltd.: BM-518 motorcycle alarm system

140. The most common triggering system employed in improvised explosive device attacks in Somalia is the BM-518 motorcycle alarm system of the Taizhou Bodyguard Alarm Equipment Company Ltd. The Bodyguard system consists of a transmitter and a receiver with a vibration/impact sensor. The system is durable and inexpensive, selling wholesale for only $8.00. The Monitoring Group has inspected 10 Bodyguard devices and received documentation for an additional 32 devices recovered in Somalia between August 2008 and April 2011 (see table in annex 5.2). A law enforcement agency that analyses improvised explosive device incidents in Somalia reported that during the same time frame, the Bodyguard alarm system was identified as the device used in 70 per cent of all improvised explosive device-related incidents where the device was recovered, including in the September 2009 suicide bomb attack against AMISOM Force headquarters in Mogadishu.[129] Several of the devices have also been confiscated from non-State armed groups in Somaliland and Puntland.[130]

141. When a Bodyguard transmitter is paired with a matching receiver, the Bodyguard can be used as a radio controlled improvised explosive device. The operator must activate the transmitter within 168 metres of the receiver in order for the signal to be effective. The Bodyguard also functions as a victim-initiated improvised explosive device, meaning that the operator first uses the transmitter to arm the receiver, which then triggers the detonator when the receiver is sufficiently disturbed or tampered with.[131]

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[129] Confidential law enforcement document.

[130] A total of 11 Bodyguard devices were recovered from Said Atom's militia during Puntland security operations in the Galgala area in October 2010.

[131] Confidential law enforcement document.

142. In October 2010, the Monitoring Group inspected six Bodyguard transmitters confiscated from an affiliate of Al-Shabaab in Hargeysa. The Monitoring Group sent a letter on 12 November 2010 with photographs and serial numbers of the items to the Government of China in order to obtain sales records from the China-based Taizhou Bodyguard Alarm Equipment Company and ascertain thereby which buyer(s) Bodyguard had supplied the devices. China responded on 25 January 2011, stating that Bodyguard had never exported the BM-518 device to any countries, entities or individuals overseas.

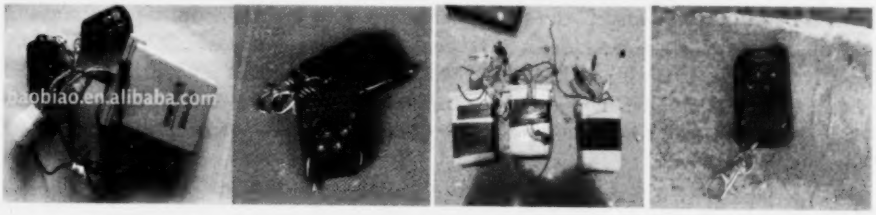
143. The Monitoring Group also inspected an additional four Bodyguard receivers and one transmitter that the Transitional Federal Government/AMISOM had recovered from the sites of attempted improvised explosive device attacks in Mogadishu in 2011.

144. In a letter dated 12 April 2011, the Monitoring Group requested information regarding the domestic buyer(s) of the devices in question and sent a third letter to China after documenting additional devices. In its response of 1 June 2011, China reiterated that the company only sold to domestic buyers and that it would be "… inconvenient to do any further investigations …".

Figure VII

Bodyguard BM-518 motorcycle alarm from company website[132]

Bodyguard devices in Mogadishu April 2011



D. Arms deliveries by air

145. At the time of writing, Al-Shabaab controlled two "international" airports with asphalted airstrips (Kismaayo and Baidoa), one former military air force base with an asphalted airstrip (Baledogley) and about 20 small and medium-sized airfields in South and Central Somalia (see annex 5.3.a). Al-Shabaab therefore theoretically possesses the capability to charter and receive deliveries by wide-body aircraft (e.g. Boeing B727-200, Ilyushin Il-76 "Candid") that might carry up to 47 tons of weapons and/or ammunitions. Most wide-body cargo flights to Somalia originate in the United Arab Emirates and are often routed via Mukalla International Airport, also known as Ryan-Mukalla or Al-Ryan International Airport, and Aden International Airport in Yemen. The civil aviation sector in both places is loosely regulated, and the Monitoring Group has observed suspicious activity on the part of several air services operators using that route.

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[132] Taizhou Bodyguard Alarm Equipment Company Ltd website. Accessed on 14 April 2011 at http://baobiao.en.alibaba.com/product/373374140-209851977/Motorcycle_Alarm_BM_518.html and http://www.baobiaochina.com/en_product.aspx?code=19.

146. During the course of the mandate, the Monitoring Group received numerous, credible reports of aircraft delivering passengers and cargo to Al-Shabaab-controlled areas, sometimes taking Al-Shabaab officials and injured fighters on board. However, restricted access to Al-Shabaab areas — especially around ports and airports — and the absence of functioning radar facilities in Somalia, represent a major challenge with respect to verification.

147. Somalia's uncontrolled airspace offers the opportunity for aircraft to land at virtually any airport in Somalia either without submitting a flight plan to the Civil Aviation Caretaker Authority for Somalia, or by submitting only a partial flight plan.[133] It would therefore be possible, for example, for an aircraft to submit a flight plan with Mogadishu International Airport as the final destination, but to secretly have a stopover at an airport controlled by Al-Shabaab.

148. The Monitoring Group has learned that the failure to file flight plans for Somalia is common among air charter companies, chiefly as a way to avoid payment of aviation fees to the Civil Aviation Caretaker Authority for Somalia.[134] But credible information received from multiple sources indicates that some aircraft have also transported arms, ammunition, equipment, militia commanders and wounded fighters on behalf of Al-Shabaab to Baidoa, Baledogley and Kismaayo. In some cases, the flights reportedly originated from or were destined for Eritrea.

149. On 23 November 2010, after heavy fighting broke out in Ceel Buur, Galguduud region, between Al-Shabaab, which controls the town, and Ahlu Sunna wal Jama'a (ASWJ) forces, the Monitoring Group received unconfirmed reports of an aircraft evacuating wounded Al-Shabaab fighters to Kismaayo. On 2 December 2010, a De Havilland Canada DHC-8 was spotted on Marka airfield by personnel associated with AMISOM operations in Somalia, who were later informed that an armed oppositions group had used the aircraft to transport wounded fighters out of the area.[135]

150. According to two independent sources, an unknown aircraft made a round trip from Eritrea to Kismaayo in support of Al-Shabaab between 30 March and 4 April 2011. Information obtained from an intelligence official in Nairobi suggests that 25 foreign fighters, coming from Eritrea, landed at Kismaayo Airport on 30 March.[136] The group was taken first to Kismaayo Hotel and then divided into three smaller groups. The first group, including trainers, remained in Kismaayo, while the two others headed to Lower Shabelle and Bay and Bakool, escorted by "technicals". A second, independent source in Mogadishu, informed the Monitoring Group that according to an Al-Shabaab official based in Kismaayo, an aircraft with wounded fighters left Kismaayo for Eritrea on 4 April 2011.[137] The Monitoring Group has not been able to independently verify those reports and therefore does not consider them to be "beyond reasonable doubt".

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[133] The Civil Aviation Caretaker Authority for Somalia is established and managed under the authority of the International Civil Aviation Organization.

[134] During an interview in Mogadishu on 21 January 2011, a Transitional Federal Government official underlined that this has been a long-standing practice within the aviation sector in Somalia, specifically with respect to "*miraa* flights".

[135] Interview with AMISOM official, December 2010.

[136] Interview with Nairobi-based diplomatic source, Nairobi, 26 April 2011.

[137] Interview with military source, Mogadishu, 8 April 2011.

151. The Government of Eritrea has acknowledged operating a small number of flights to Somalia for diplomatic and "humanitarian" purposes, of which the Monitoring Group is aware, as well as scheduling commercial flights, but it has declined to respond to the Monitoring Group's requests for information about military flights on the grounds that they "go well beyond the mandate of the Group and seriously infringe on Eritrea's sovereignty".[138] Other reports of flights to and from Eritrea have been impossible for the Monitoring Group to verify.

152. Two air operators, unrelated to humanitarian operations, have requested official authorization to land in Al-Shabaab-controlled areas during the course of the mandate. In the first case, Capital Airlines, a Kenyan aircraft operator based at Wilson Airport, Nairobi, submitted a request on 22 April 2010, apparently with the prior approval of the Somali Embassy in Kenya, to land at Mogadishu North airfield (also known as Isaley), to deliver *miraa* (*qaad*) from Wilson Airport in Nairobi.[139]

153. Although controlled by an armed opposition group, Isaley is jointly owned — together with 'Eel Ma'aan port — by a consortium of Somali businessmen. Capital Airlines has been officially exploring the use of Isaley as an alternative to the K50 airfield, owned by Ahmed D'uale 'Heef', which had an exclusive contract for *miraa* flights with Blue Bird and Freedom aviation.[140] The Monitoring Group has since received information from multiple sources about flights landing at Isaley in August and September 2010, despite the fact that no such authorization was ever granted by the Somali Civil Aviation and Meteorology Authority.[141] However, there are no indications that Capital Airlines was the operator of those flights.

154. The second request of authorization was made by a flight services company based in Dubai, AVJET Routing, which requested landing authorization in Kismaayo on 19 October 2010 on behalf of a client operating a Hawker 800XP. AVJET Routing refused to disclose to the Monitoring Group the name of its client, claiming instead that its request "was addressed to the Somali Civil Aviation for the purpose of purely building the database in pertain [*sic*] to any international airport".[142] AVJET Routing did not, however, make a similar request of the Transitional Federal Government for landing permission at any other Somali airport, casting doubts upon the claim by AVJET Routing that it was building a database.[143] Unconfirmed information indicates that the flight may have actually taken place. As a result of this suspicious activity and failure to cooperate, the Monitoring Group recommends that AVJET Routing operations be placed under close scrutiny in the future.

155. During Al-Shabaab's Mogadishu Ramadan offensive of August/September 2010, the Monitoring Group received specific and credible reports of alleged arms deliveries by air to Al-Shabaab. At the same time, the Monitoring Group observed an increase in the number of cargo flights to Somalia from Yemen. In an attempt to better understand civil aviation movements during the Ramadan offensive, and to verify some of the reports, the Monitoring Group conducted a survey of flight plans

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[138] Letter from the Permanent Representative of Eritrea to the United Nations, 17 May 2011.

[139] Interview with Capital Airlines managing director, Nairobi, 15 February 2011.

[140] Interview with Ahmed D'uale, Nairobi, 9 May 2011.

[141] Interview with the United Nations, intelligence and Transitional Federal Government officials, Mogadishu, 10 and 11 December 2010.

[142] E-mail from AVJET Routing to the Monitoring Group, 15 December 2010.

[143] Interview with Transitional Federal Government officials, Mogadishu, 21 January 2011.

submitted to the Civil Aviation Caretaker Authority for Somalia during the reporting period. The findings of the survey are attached in annex 5.3.b.

156. The aviation sector in Somalia is expanding, with a growing number of companies and flights.[144] But this increasing activity is not matched by enhanced regulation and control of aircraft operators or by radar coverage of Somali airspace. Given the opportunity this offers for Al-Shabaab to augment its military threat to the transitional federal institutions and AMISOM, as well as the persistent threat of hijackings or suicide attacks,[145] the Monitoring Group believes that greater vigilance is called for, both in Somalia and the countries where these flights originate.

E. Man-portable air defence systems

157. Man-portable air defence systems are surface-to-air missiles intended for use against low-flying aircraft. Most models utilize an infrared homing device that locks onto aircraft at altitudes ranging from 2,000-8,000 metres. There are approximately 500,000-750,000 man-portable air defence systems in existence worldwide. While the vast majority of the systems are secured in State stockpiles, estimates suggest that more than 10,000 missiles are currently circulating among non-State actors.[146]

158. Decades of lawlessness together with unimpeded arms trafficking to and throughout its territory have made Somalia no exception to the threat of man-portable air defence systems. According to open source databases and several testimonies, Somalia has received at least 450 such systems since the mid-1970s.[147] The majority have been used, sold or are no longer serviceable.[148] Although there have been no known attempts to employ the systems since 2008, evidence gathered by the Monitoring Group suggests that a number of them remain in circulation in Somalia, some of which are in the hands of Al-Shabaab.

159. Annex 5.4 includes a detailed assessment of the level of threat posed by man-portable air defence systems in Somalia.

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[144] According to the International Civil Aviation Organization, Eastern and Southern Africa Office, traffic in Somalia airspace has been increasing by 5.7 per cent in the past one year and it is expected to increase by 8 per cent in the next three years (NPF/SIP/2010-WP/22, 15 December 2010).

[145] Department of Safety and Security Somalia, "Security advisory: aviation threat", 20 September 2010.

[146] The number of man-portable air defence systems in circulation has increased since conflict erupted in the Libyan Arab Jamahiriya, where hundreds, if not thousands, of the systems were pilfered from State stockpiles. Presentation at bilateral man-portable air defence systems and brokering seminars, 13 April 2011, Nairobi. Eric G. Berman and Jonah Leff, "Light weapons: products, producers and proliferation", *Small Arms Survey 2008: Risk and Resilience* (Cambridge: Cambridge University Press, 2008, pp. 7-41).

[147] See http://armstrade.sipri.org/armstrade/page/trade_register.php (accessed 8 April 2011).

[148] The average shelf life of a MANPADS is approximately 20 years, and can be considerably less if not stored in proper conditions.

F. Ethiopian assistance, operations and presence in Somalia

160. The Government of Ethiopia has long been a sponsor of various authorities and armed groups in Somalia.[149] It has been the principal ally and patron of the Transitional Federal Government since its establishment in 2004, while simultaneously providing political, diplomatic, financial and military assistance to a variety of other groups — at least in part for the purpose of disrupting, dismantling and defeating Al-Shabaab.

161. The principle beneficiaries of Ethiopian assistance in recent years have been the Transitional Federal Government, Puntland and Somaliland, all of which are considered to be "Somali security sector institutions" for the purposes of Security Council resolution 1772 (2007), and are therefore eligible for external assistance. Another important Ethiopian client has been ASWJ, which the Monitoring Group has stated could be considered eligible for external assistance following the signature of three successive agreements between ASWJ (Galguduud faction) and the Transitional Federal Government. At no time, however, has the Government of Ethiopia sought or obtained authorization from the Security Council Committee on Somalia and Eritrea for its support of those groups and it is therefore technically in violation of the general and complete embargo on Somalia.

162. Another issue of concern to the Monitoring Group has been the frequency of the Ethiopian National Defence Force security operations inside Somali territory. While in some instances the Monitoring Group has been aware that this has taken place with the tacit consent of the Transitional Federal Government, the Force has more often been in support of ASWJ, a loose alliance of traditionalist Sufi militias, based on clans and opposed to Al-Shabaab. Ethiopian military incursions have been most frequent in Gedo, Bay, Bakool and Hiraan regions, where the Ethiopian National Defence Force has reportedly established temporary bases.[150]

163. In August 2010, credible information received by the Monitoring Group indicates that the Ethiopian National Defence Force crossed into Somalia at least twice to launch attacks against Al-Shabaab. According to reports, on 29 August 2010, a large number of Ethiopian troops in military vehicles approached Beledweyne, in a joint operation with ASWJ, after crossing its shared border with the Somali region of Hiraan as part of a counteroffensive measure against Al-Shabaab.

164. In October 2010, pro-Transitional Federal Government, ASWJ and clan militia attempted jointly to carry out an offensive from Gedo, Bakool and Hiraan with the objective of opening up new military fronts against Al-Shabaab and Hisb'ul Islam. The Monitoring Group has received clear indications, including the admission of Ethiopian officials, that this largely unsuccessful operation was planned and executed with the military involvement of the Government of Ethiopia. On 17 October 2010, advancing from the Ethiopian border town of Kalabaydh, a joint operation between Transitional Federal Government forces, the Ethiopian National Defence Force and the Hawaadle sub-clan militia of the "Shabelle Valley

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[149] The Monitoring Group has reported extensively on official violations by Ethiopia of the arms embargo, including supplies of arms and ammunition, military operations and presence in Somalia in the following reports: S/2002/722, S/2003/223, S/2004/604, S/2005/625, S/2006/229, S/2006/913, S/2007/436, S/2008/274, S/2008/769 and S/2010/91.

[150] Non-governmental organization report, February 2011.

Administration" clashed with Al-Shabaab militias forces in Eel Gaal and Qowlad villages both in Beledweyne. During the clashes, an Ethiopian military truck was reportedly destroyed by a remote control improvised explosive device. Similarly, Ethiopian forces were forced back by heavy artillery fire during clashes with Al-Shabaab in Rabdhure (Bakool region).[151]

165. On 5 March 2011, in order to pre-empt a possible expansion by Al-Shabaab into the central regions, Ethiopian forces established a base at the 21st military camp in Dhuusamarreeb, alongside a reported force of 800 ASWJ fighters, trained and armed with light weapons by Ethiopia. As Al-Shabaab forces began to withdraw from the area just days later, troops of the Ethiopian National Defence Force, together with ASWJ militia, attacked their remaining positions at God Dhorwaay and God Waraabe before withdrawing across the border via Balanbaale on 14 March 2011.

166. In early 2011, in a further attempt to exert military pressure on Al-Shabaab and to secure its own border, Ethiopia backed another coordinated offensive by militias with diverging agendas and interests. Among these was the Marehaan clan militia of Barre "Hiiraale", the small multi-clan force of Sheikh Hassan Qoryooley under the banner of ASWJ (who had reportedly received both training and arms from Ethiopia), and the "Shabelle Valley State".[152] On 23 February 2011, forces of the Ethiopian National Defence Force reportedly took part in a joint offensive with ASWJ forces at Belet Xawo, an Al-Shabaab stronghold, both with ground forces and indirect fire.

167. Whereas Ethiopian support for Somali security sector institutions should be addressed as a compliance issue within the context of Security Council resolution 1772 (2007), the presence of Ethiopian military forces on Somali soil constitutes a violation of the general and complete arms embargo on Somalia.

G. Private security companies

168. The activities of private security companies represent an accelerating and often disturbing trend with respect to the general and complete arms embargo on Somalia. A growing number of those companies are now providing onshore security services, including support to AMISOM, support to the Transitional Federal Government and Puntland administration, and protection for private enterprises, and dozens of private maritime security companies now provide counter-piracy services for vessels passing through or near Somali waters.

169. As the Monitoring Group noted in its March 2010 report (S/2010/91), few private security companies are aware of the arms embargo and may therefore be operating in violation of its provisions (a list of the private security companies that have come to the attention of the Monitoring Group during the course of the current

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[151] Non-governmental organization report, 30 August 2010. See http://www.voanews.com/english/news/africa/Somali-Government-Denies-Ethiopia-Sent-Troops-into-Somalia-101891363.html; and http://www.hiiraan.com/news2/2010/aug/ethiopia_troops_in_somalia_to_battle_radicals.aspx.

[152] Shabelle Valley State is a self-proclaimed administration consisting of former Transitional Federal Government administrators from Hiiraan region with close links to Ethiopia. Shabelle Valley State controls a small area around Jawiil and Kalabaydh. See http://www.allvoices.com/contributed-news/8662061-forces-loyal-ahlu-sunna-join-to-shabelle-valley-forces-in-central-somalia and http://allafrica.com/stories/201101311015.html.

mandate is contained in annex 6.1). A small number of private security companies, however, are not only aware of the embargo but are also deliberately flaunting or attempting to circumvent its provisions. Two of the most egregious violators during the current mandate have been Southern Ace and Saracen International.

Southern Ace

170. Between April 2009 and early 2011, the Hong Kong-based Southern Ace operated in southern Mudug region, in collaboration with two local partners, GalSom and Iidan Fishing Company. During that period, Southern Ace and its local associates recruited and operated a well-equipped, 220-strong militia from the Habar Gidir/Sa'ad/Reer Nim'aale sub-clan, supervised by a dozen Zimbabweans and three Westerners, at an estimated cost of $1 million in salaries and at least $150,000 in arms and ammunition. The result was one of the strongest forces in south Mudug region, with the potential to change the balance of power in the area.

171. Southern Ace also began to explore prospects for arms trafficking and engaged in horticultural experiments aimed at the production of narcotic drugs, including marijuana, cocaine and opium. A detailed case study of Southern Ace activities is contained in annex 6.2.

Saracen International

172. Notwithstanding Southern Ace's short-lived and unsuccessful attempts at arms dealing and drug trafficking, the most egregious violation of the arms embargo by a private security company during the course of the Monitoring Group's mandate was perpetrated by Saracen International, in association with an opaque web of affiliated entities, front companies and one or more anonymous donors. It is also the opinion of the Monitoring Group that Saracen's activities to date have represented a threat to peace and security in Somalia.

173. Between May 2010 and February 2011, Saracen provided military training, equipment and vehicles to a militia force in the initial phases of an operation that would have become the largest externally supported military activity in Somalia, after AMISOM. In Mogadishu, Saracen envisaged a training programme for Transitional Federal Government security forces, including a new presidential security unit, in counter-terrorism, VIP protection and a range of other skills. In Puntland, the company undertook to establish a heavily armed, 1,000-strong "coast guard" force equipped with fixed-wing aircraft, helicopters and various maritime vessels. If fully implemented, the plans would have established the best-equipped indigenous military force anywhere in Somalia.

174. Despite repeated communications from the Monitoring Group, beginning on 9 December 2010, Saracen's donor(s) failed to seek authorization from the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea. Since Saracen operated independently of all international, multilateral frameworks for support to the Somali security sector, there was no way to ensure that forces trained and equipped by Saracen would in fact be employed for the declared purposes of the programme. Indeed, there were early indications that the Puntland authorities may have had alternate objectives in mind for the force. Such ambiguity engendered tensions between Puntland and its neighbours, as well as within Puntland itself.

175. The transitional federal institutions, AMISOM, and some members of the international community have called for the cessation of the programme. In response to such pressures, Saracen suspended operations in Mogadishu in February 2011. The Puntland administration terminated its agreement with Saracen in May 2011. At the time of writing, Saracen nevertheless continued to maintain a presence in Bosaaso.

176. A more detailed assessment of Saracen's organization and activities is contained in annex 6.3.

H. Private maritime security companies

177. Given the limited impact of international efforts on the threat of Somali piracy, since early 2010 ship owners have turned increasingly to private maritime security companies to provide armed protection teams, sometimes referred to as "shipriders", to ships and crews traversing the Red Sea, the Gulf of Aden and the wider Indian Ocean.

178. To date, not a single ship protected with armed security guards has been hijacked — a statistic that helps to explain the growing popularity of the practice.[153] An armed security escort can also help to save companies on fuel and insurance costs and, as competition between the growing numbers of private maritime security companies seems likely to drive prices down, demand for armed maritime security is likely to increase even further.

179. Some Governments both inside and outside the region have also begun to take advantage of this booming business, offering expensive, customized permits that allow private maritime security companies to operate from their ports with weapons, security personnel and equipment and, in some cases, private patrol vessels.[154] Some Governments generate additional income by leasing out state-owned weapons to licensed private maritime security companies.

180. However, there do exist drawbacks to the practice.[155] First, it remains to be seen how pirates will respond to the increasing use of "shipriders", with the risk that pirates might escalate their use of violence, while acquiring better and more sophisticated weapons and equipment. Perhaps it is even more likely that the increasing challenges and level of risk will lead pirates to stake tougher negotiating positions and demand higher ransoms for hijacked vessels. During the course of 2010, negotiations generally took much longer than in previous years, and the average ransom payment more than doubled over those made in 2009.

181. The rapid growth of this largely unregulated sector also presents legal and regulatory challenges. Very little data yet exists on the number of private maritime security companies operating, the arms and ammunition in their possession, their

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[153] On 2 March 2011, the sailing yacht *Capricorn* was attacked and boarded by Somali pirates in the Arabian Sea, 729 nautical miles east of Puntland, despite being escorted by a private security vessel from private maritime security company Naval Guards Ltd. The two sailors barricaded themselves inside the yacht, which allowed an escort vessel to retake the yacht after a brief exchange of fire with the pirates. No casualties were reported on either side.

[154] The cost of such a port license, depending on its duration, may amount to $150,000 per year or more.

[155] While the use of armed maritime protection services has dramatically increased in 2010 and 2011, the frequency of attacks and hijackings conducted by Somali pirates has not decreased.

areas of operation or the vessels they may use as escorts. Regulations imposed by the Governments with which the companies are registered, if they exist, may prove to be either unenforced or unenforceable. Armed private maritime security companies have no official status under the United Nations Convention on the Law of the Sea, which raises serious questions with respect to liability for actions they may take and the damage, injuries or deaths they may cause.

182. From a sanctions monitoring perspective, the expanding use of private maritime security companies off Somalia's shores raises a number of challenges and concerns. During the course of 2010, the Monitoring Group found one such company to have acted in breach of the arms embargo on Eritrea (see annex 6.5). In other cases, vessels with armed protection on board have traversed the Somali exclusive economic zone, including one vessel carrying State-owned weapons.[156]

183. In order to accumulate baseline data about the activities of private maritime security companies operating in the Gulf of Aden, the Red Sea and the Indian Ocean, the Monitoring Group communicated with 29 companies, seeking responses to a standard set of questions. Their responses also permitted the Monitoring Group to assess their level of compliance, transparency and cooperation. The responses to the Monitoring Group questionnaire are summarized in annex 6.6.[157]

184. Nine of the companies approached, which actually provide "armed" maritime protection, failed to respond to the Monitoring Group's letters, while nine others provided no or limited information. Only five of the respondents fully cooperated with the Monitoring Group by providing all the requested information, including Drum Cussac (United Kingdom), Group 4 Securicor (Djibouti), Gulf of Aden Group Transits (Seychelles), Neptune Maritime Security (United Kingdom) and Triskel Services (United Kingdom).

185. There remains, therefore, near-total opacity with respect to the operations of more than 78 per cent of the private maritime security companies approached by the Monitoring Group, suggesting the need for a comprehensive and robust regulatory framework for this specialized branch of the private security business.

I. Non-compliance

186. Although compliance has improved over previous years, most external assistance to Somali security sector institutions is still provided without notification to or authorization by the Committee. Although the Monitoring Group has attempted to keep track of such contributions, it has not always been able to do so. Some States appear to be unaware of their obligations, while others seem to resist

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[156] Under the 1982 United Nations Convention on the Law of the Sea, territorial waters extend up to 12 nautical miles (22 km; 14 miles) from the shores of a coastal State. An exclusive economic zone is a sea zone over which a State has special rights for exploration and use of marine resources. It extends from the seaward edge of the State's territorial sea to 200 nautical miles from its coast. Relevant Security Council resolutions do not stipulate whether the arms embargos on Somalia and Eritrea apply to the exclusive economic zone or only to territorial waters.

[157] In total 29 companies were approached of which 6 companies were not yet involved in providing "armed" protection. One company, Mercator International Ltd., claims to only act as a "charterer" for PMSCs, but has been found taking responsibility for security personnel, weapons and ammunition in that capacity as well.

transparency and accountability. Whatever their reason or intentions, those States are in technical violation of the general and complete arms embargo on Somalia (see para. 122 above).

187. The Monitoring Group is aware of several States that have not met their obligations under resolution 1772 (2007). In several other cases, States have failed to clarify to the Monitoring Group the nature of their activities when requested to do so.

188. A list of non-compliant States and organizations is attached in annex 5.5.

V. Obstruction of humanitarian assistance*

A. Operational environment for humanitarian activities

189. Throughout 2010, the security context and humanitarian operational environment faced by United Nations agencies, international humanitarian organizations, and local Somali non-governmental organizations was among the most prohibitive in the world. Humanitarian operations were caught between international restrictions on funding and access and Al-Shabaab threats, while the level of need they sought to meet was worsened by chronic conflict and acute drought. Consequently, 2010 saw an alarming void in international humanitarian aid and development assistance throughout southern and some parts of central Somalia, and to a lesser but by no means satisfactory level in the northern areas of Puntland and Somaliland. Many organizations were forced to move their operations or cease them entirely — primarily due to threats from elements of Al-Shabaab — but a handful of United Nations and international programmes continued, alongside hundreds of courageous local aid workers.

190. Exogenous factors contributing to this harsh environment included a substantial overall decrease in international funding, and donor Government regulations restricting operations and access. Many international donors and organizations feared to inadvertently violate paragraph 3 of Security Council resolution 1844 (2008), United States Government Office of Foreign Assets Control regulations and other bilateral measures limiting their operations in Al-Shabaab-controlled areas. There was also considerable confusion over the precise implications for humanitarian actors of the measures introduced by the Security Council in paragraph 5 of its resolution 1916 (2010). Besides restrictions imposed by Al-Shabaab, most organizations and agencies said that the greatest impediment to humanitarian assistance in Somalia was and continued to be inadequate funding.[158]

191. Endogenous pressures included a prolonged absence of effective rule of law in Somalia, a range of impediments erected by Al-Shabaab leaders to deter international aid, actions taken by pro-Transitional Federal Government and regional militias and the continual impact of armed conflict on residential neighbourhoods. Denial of access by Al-Shabaab had an impact on the operations of the majority of United Nations agencies, international humanitarian organizations

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* In paragraph 8 (c) of its resolution 1844 (2008), the Security Council effectively prohibits obstruction of "the delivery of humanitarian assistance to Somalia, or access to, or distribution of, humanitarian assistance in Somalia".

[158] Interview with World Health Organization official, Nairobi, 2 April 2011, and a number of other humanitarian officials.

and local non-governmental organizations attempting to provide aid to vulnerable civilians throughout southern Somalia. In January 2010, Al-Shabaab ordered the World Food Programme (WFP) to cease operations and leave Somalia.

192. Simultaneously, fractures within ASWJ put humanitarian operations in its territories at risk. And the proliferation of new regional administrations, including Galguduud, Himan iyo Heeb, Awdal and Azania (Jubaland), has created a degree of uncertainty that leaves aid operations in areas controlled by them equally fragile.

193. Finally, the impact of military victories by pro-Transitional Federal Government forces along the borders with Kenya and Ethiopia, and in Mogadishu, has yet to yield an increase in aid operations, due to security conditions that remain unassessed. Demining and accurate security and protection assessments are urgently needed by organizations planning possible future operations in Somalia in 2011.

194. In fulfilment of its mandate, as defined in paragraph 8 (c) of Security Council resolution 1844 (2008), the Monitoring Group investigated obstruction of delivery and distribution of, and access to, humanitarian assistance in Somalia throughout 2010 and early 2011, utilizing a wide range of data from hundreds of sources. These included published and unpublished reports and scores of interviews with United Nations agencies, international humanitarian organizations, local non-governmental organizations, refugees and other sources, almost all of whom requested anonymity in order to ensure the safety of their operations.

B. Denial of access by Al-Shabaab

195. Obstacles to aid delivery, distribution and access varied over time and from region to region. However, the single greatest obstacle to humanitarian assistance in Somalia during the course of the mandate has consistently been the denial of access by armed opposition groups, principally by elements of Al-Shabaab.

196. In early 2010, humanitarian organizations were still able to function in many Al-Shabaab-held areas due to productive dialogue built on long-established relationships within local communities, of which local Al-Shabaab leaders were a part. But by mid-2010, the situation had shifted dramatically. The Al-Shabaab *shura*, based in Mogadishu, Kismaayo and Baidoa, had consolidated, reorganized and extended its reach far beyond Somalia's major urban centres.

197. Under the direction of the "humanitarian coordinator" or "head of the office of *zakaat*", "regional humanitarian coordinators" across southern and some parts of central Somalia began to impose strict controls on the provision of humanitarian assistance. The regional coordinators seldom facilitated aid, but regularly placed obstacles in its way. It is the assessment of the Monitoring Group that the command responsibility and direct involvement of those men in the obstruction of humanitarian assistance in Somalia constitutes a violation of Security Council resolution 1844 (2008), and the Monitoring Group intends to propose several of them for designation by the Committee.

198. By August 2010, the *shura*'s increasingly centralized control over local Al-Shabaab groups was having a significant negative impact on the humanitarian environment in much of southern and central Somalia. Evidence also pointed towards the negative influence of foreign elements on Al-Shabaab leaders who were viewed as being the most obstructive to international aid delivery.

199. In late 2010, when the Al-Shabaab *shura* became distracted by apparent differences among its leaders, humanitarian organizations were again reporting marked differences among the attitudes of Al-Shabaab leaders towards aid and were creatively seeking ways to resume operations in a number of regions. But the AMISOM/Transitional Federal Government offensive in Mogadishu in early 2011 was followed by an increase in physical threats by Al-Shabaab against aid workers across southern Somalia. The same period witnessed increasingly desperate and aggressive Al-Shabaab "fund-raising" efforts, including enforced *zakaat* contributions imposed on impoverished communities and fines for "un-Islamic behaviour". Often such actions were justified as "charity" to address drought conditions, but little evidence has emerged regarding funds raised in this manner as being used in fact to meet local needs.

200. Conditions deteriorated in Mogadishu to such a degree in late 2010 that tens of thousands of people moved from Al-Shabaab-held areas to Transitional Federal Government/AMISOM-controlled areas of the capital. Newly arrived internally displaced persons had specifically relocated in order to access services, but the capacity of the organizations that were operating there fell far short of meeting that need. Moreover, local aid workers reported that Al-Shabaab threatened them and cancelled programmes: schools were closed, materials looted and teachers and students recruited to work and fight for Al-Shabaab.[159] Local hospitals, clinics and mobile medical units — including Banadir, Medina, Keysaney and Hawa Abdi hospitals — struggled to provide medical care to residents and internally displaced persons with only minimal resources. In some cases, medical staff were themselves unpaid, and often displaced, living near the hospital because it was unsafe to travel to their homes. By early 2011 the drought, combined with the allied offensive and existent resource gaps greatly exacerbated conditions for civilians in and around Mogadishu.[160]

201. Across much of southern Somalia, the Al-Shabaab *shura* continues to make humanitarian operations, most notably in Middle and Lower Shabelle, nearly impossible. Residents experienced particularly egregious repression and economic desperation in and around Kismaayo, perhaps the town most tightly controlled by central Al-Shabaab. In Mogadishu and Afgooye, United Nations and local sources have also reported Al-Shabaab demands in early 2011 for payment of $1 per child per week to attend school, threats against any parents who refused to pay and demands that teachers pay to teach.[161] Aid organizations have found travel to internally displaced person camps near Afgooye increasingly difficult, particularly since Al-Shabaab subsumed Hisb'ul Islam in late 2010.[162]

202. An estimated 1.46 million Somalis are currently displaced within Somalia, and more than 725,000 have become refugees in Djibouti, Ethiopia, Kenya, Yemen and other countries.[163] Al-Shabaab also cut off the movement of internally displaced persons seeking aid, particularly in Middle and Lower Shabelle. Al-Shabaab-

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[159] Somali non-governmental organization focus group interviews, Mogadishu, 11 December 2010 and 30 January 2011.

[160] Civil society statement, Mogadishu, 11 December 2010.

[161] United Nations official, Nairobi, 17 April 2011.

[162] Somali non-governmental organization focus group interview, Mogadishu, 30 January 2011, and other interviews with non-governmental organizations in Mogadishu in late January 2011.

[163] Office of the United Nations High Commissioner for Refugees map of internally displaced persons in Somalia, April 2011.

controlled areas of Mogadishu and Afgooye, and Lower Juba.[164] One local non-governmental organization documented 40 internally displaced person settlements in and around Mogadishu with tens of thousands of residents in need of support, only a fraction of the presumed total.

203. The deteriorating humanitarian environment in southern Somalia has spawned a new exodus of refugees to neighbouring countries. Since December 2010 refugees arriving at the Dadaab refugee camps in north-eastern Kenya reported they had little or no humanitarian assistance at home in Somalia. Most sources interviewed in Dadaab in late 2010 and early 2011 said that they had travelled there specifically to receive aid. The numbers of new Somali arrivals significantly increased in December 2010 and January 2011, with cases of severe malnutrition among them.[165]

Threats, raids and expulsions

204. The most prevalent and damaging types of obstruction perpetrated overall by Al-Shabaab leaders and factions included numerous expulsions, raids and closures of international and local aid offices due to their alleged "Christian" affiliations or United States funding; demands for exorbitant "taxes"; incidents of attempted extortion; and threats and physical brutality against aid workers. The closures and expulsions of large agencies and international humanitarian organizations in much of southern and central Somalia had a devastating ripple effect on many local humanitarian programmes.

205. The six most publicized expulsions of humanitarian organizations and raids on offices were carried out by Al-Shabaab factions across southern and some parts of central Somalia in August and September 2010 against Horn Relief, Mercy Corps, FEWS NET, World Vision, ADRA and Diakonia. Several of those organizations were accused of western affiliations, in particular for receiving funding from the Government of the United States of America. Some were accused of promoting Christianity. Expulsions and forced closures took place in Kismaayo, the Shabelles, Hiraan and the Jubas.[166]

206. Threats against, attacks on and demands from WFP led to dire consequences in many areas of southern Somalia. On 4 January 2010, WFP issued a statement announcing it would temporarily close its offices in Wajid, Buuale, Garbahaarey, Afmadow, Jilib and Beletweyne. They continued to work in Somaliland, Puntland, and parts of Mogadishu.[167] In response, Al-Shabaab issued its own statement denying responsibility.[168]

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[164] Interview with minority rights leader, Mogadishu, 27 January 2011.

[165] Refugee interviews, Hagadera, 27 November 2010 and 9 and 10 February 2011; based on data collected by the Office of the United Nations High Commissioner for Refugees during interviews, Dadaab, 8-11 February 2011.

[166] Interview with United Nations agency programme director, Nairobi, 19 November 2010.

[167] See www.garoweonline.com/artman2/publish/Somalia_27/Al-Shabaab_loots_WFP_office_in_southern_Somalia_.shtml 03/; http://allafrica.com/stories/201001050853.html; http://www.hiiran.com/news2/2010/Jan/un_stops_food_aid_to_1_million_in_southern_Somalia.aspx; http://www.garoweonline.com/artman2/publish/Somalia_27/WFP_halts_food_distribution_in_southern_Somalia.shtml.

[168] http://www.hiiran.com/news2/2010/Jan/somalia_s_al_shabaab_deny_demanding_payments_from_wfp.aspx.

207. Other egregious cases of obstruction began in Baidoa in April 2010 when the director of a local organization, also a protection monitor, was arrested by the "humanitarian coordinator" for Al-Shabaab in the region. The director was detained for seven months under harsh conditions and was tortured. When he managed to escape, half a dozen other local non-governmental organization representatives fled the country in order to avoid arrest by association, several of them having already been threatened or intimidated.[169]

208. Somali national staff members regularly reported that the conditions of their employment were as insecure as those of international staff who were denied approval to work in Somalia. It was dangerous for them to allow themselves to be identified as working for United Nations agencies in Mogadishu. Their movements were also restricted. More than a dozen national staff members reported that they had received regular phone threats, despite precautions.[170]

209. Obstruction has continued in 2011. In April, Al-Shabaab forces raided a United Nations office in Baidoa and arrested a local United Nations staff member in Kismaayo.[171]

210. Additional findings relating to threats, raids and expulsions are contained in annexes 7.1 and 7.2.

Public statements, registration and taxation

211. Al-Shabaab's attempts at taxation and the targeting of humanitarian organizations actually began as early as October 2008 and gathered momentum, especially in Lower Juba, Lower Shabelle and Bay regions, where demands for a percentage of project costs had escalated by early 2009.[172] Perpetrators of the obstructions included local Al-Shabaab officials and an array of "fixers", freelance profiteers and individuals using the Al-Shabaab flag for profit.

212. By mid-2010 Al-Shabaab security units were becoming increasingly controlled by the centre, while local *walis* (Al-Shabaab regional administrators) gradually lost their autonomy. The Al-Shabaab *shura* put in place a centralized system headed by a senior "humanitarian coordinator" or *zakaat* office head, to oversee a network of "regional humanitarian coordinators" across southern and central Somalia. Others have referred to this hierarchy more formally as the Office for Supervising the Affairs of Foreign Agencies. Contrary to their titles, the officers of the Office for Supervising the Affairs of Foreign Agencies were appointed to obstruct humanitarian aid rather than facilitate its delivery; they were directed by the central Al-Shabaab *shura* and issued public statements accordingly.[173] One regional

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[169] Interviews with the survivor and his colleagues, 14 and 15 February 2011.

[170] Somali non-governmental organization focus group interviews, Mogadishu, 11 December 2010 and 30 January 2011; interviews with other national staff, Mogadishu, late January 2011.

[171] Multiple interviews with members of international organizations; interview with United Nations programme officer, Nairobi, 27 April 2011.

[172] Interview with United Nations agency official, Hargeysa, 25 February 2011.

[173] On 17 January 2010, Sheikh Ali Mohamud Raghe held a press conference in Mogadishu. See http://www.dayniile.com/January2010/17January1.htm and www.jowhar.com/main/news.php?cadmore=2545. On 1 December 2010, he issued a statement that a United Nations agency was distributing expired food and training Somali elders on matters contrary to Islam. The United States condemned Al-Shabaab bans on humanitarian assistance: see http://www.mareeg.com/fidsan.php?sid=17322&tirsan=3.

Al-Shabaab leader in Bay, Bakool and Gedo travelled to Galguduud in late 2010, where he made a speech proclaiming "You can eat anything except food aid."[174]

213. A local non-governmental organization representative in Mogadishu drove to Bakaara looking for Al-Shabaab authorization to work in Al-Shabaab-held areas of the city. The office he visited was known as the "humanitarian office of Al-Shabaab". A young Al-Shabaab officer at the office told him that he would have to comply with "12 articles"[175] and that he would be given a list of 15 non-governmental organizations he would not be allowed to contact.[176] Only then could he obtain authorization. The officer took his name and telephone number and told him to return.[177]

214. Across southern and western Somalia, access was further impeded as Al-Shabaab leaders attempted to exact taxes from any organizations still in operation in areas under their control. Directives issued by the *shura* in Mogadishu generally required taxes of up to $90,000 per six-month period per district per organization. At times, the *shura* relied on its local directors to announce its demands; at other times it dispatched its own representatives from Mogadishu, or made calls to local non-governmental organizations directly.[178] In September 2010, for example, Al-Shabaab's demands for taxation were generally reported to be:

- $10,000 as an initial fee
- $10,000 for a one-time registration fee
- $6,000 every six months thereafter
- 20 per cent of the value of supplies transported through Al-Shabaab-held areas
- 10 per cent duty on all vehicles.[179]

215. While it was reported that some aid agencies did succumb to the threats, particularly in Bay, Bakool, Hiraan and Gedo, most others refused. It also became apparent to some international humanitarian organizations and United Nations agencies that some of their local staff and implementing partners were paying on their behalf, simply in order to keep working. It has been difficult for the Monitoring Group to evaluate the scope of such practices, because international access to the field by these organizations became nearly impossible, and inquiries could put local staff at even greater risk of being accused as "spies".

216. A number of humanitarian organizations managed to remain operational because they had established relationships in Al-Shabaab-held areas, not because their staff paid taxes. The organizations might have tried to convince local authorities of their criteria for distribution, but when money was demanded they

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[174] Interview with United Nations agency official, 25 January 2011.

[175] The 12 articles included: restriction on flying flags, observance of international holidays, pursuit of women's rights, receipt of "Christian" funding and a requirement to pay $5,000.

[176] Interview with national international humanitarian organization programme officer, Mogadishu, 27 January 2011.

[177] That night the aid worker received a call from an unidentified man advising him to change his number. He was told that Al-Shabaab could use the phone company to find him. He did not return to that office and changed his number. Based on interview with a minority rights leader, Mogadishu, 27 January 2011.

[178] Interview with national staff member of international organization, Nairobi, 14 October 2010.

[179] Interviews with humanitarian aid workers in Nairobi, October and November 2010.

stopped operations. If the community could not persuade the Al-Shabaab authorities to drop their demands for payment, then the agencies would suspend operations.[180]

217. Local authorities were liable to be more flexible in areas where their people were more desperate, trying to balance the interests of their communities against central Al-Shabaab doctrine.[181] In Bay and Bakool there was so little aid and so little commerce that community leaders would at times even raise their voices against local Al-Shabaab officials.[182] Sources repeatedly stated that they could often persuade local Al-Shabaab officials to distance themselves from the central edicts, except for several months in mid-2010 when the *shura* became more directly involved.[183]

218. Additional findings relating to registration and taxation are contained in annexes 7.1 and 7.2.

C. Obstruction of access by other actors

219. Other actors in the armed conflict in Somalia were also responsible for acts of obstruction. Of particular concern to those attempting to provide aid in Mogadishu were the Transitional Federal Government and AMISOM forces, especially in and around Bakaara Market.

AMISOM civil and military operations and corrective measures

220. While AMISOM was the object of criticism in late 2009 and early 2010 by the Transitional Federal Government, armed opposition groups, community elders and some international humanitarian organizations and United Nations agencies for civilian casualties resulting from combat in and around highly populated neighbourhoods, a number of improvements have been made in operational procedures, communications with humanitarian agencies and accountability mechanisms since mid-2010. AMISOM sources also reported that some forces have been tried and sentenced in military court for offences against civilians.[184]

221. In mid-July 2010, an internal African Union report recommended that the African Union respond to allegations that AMISOM was indiscriminately shelling residential areas.[185] Earlier in the year, Ahlu Sunna wal Jama'a spokesman Sheikh Abdullahi Abdirahman Abu Yusuf ("Al-Qaadi") had condemned both AMISOM and Al-Shabaab for the shelling of residential areas in Mogadishu.[186] In late July, the Prime Minister of the Transitional Federal Government discussed "indiscriminate

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[180] Interview with several officers of international organization, Nairobi, 28 October 2010; interview with head of office of international organization, Nairobi, 19 October 2010; other sources.

[181] Interview with a United Nations agency programme officer, Nairobi, 10 November 2011.

[182] Interview with a national staff member of international organization, Nairobi, 14 October 2010.

[183] Interview with an aid worker, Nairobi, 18 October 2010.

[184] Interview with AMISOM officer, Nairobi, 27 April 2011.

[185] See http://today.msnbc.msn.com/id/38349076/ns/world_news-africa/ http://www.voanews.com/english/news/africa/Butty-Somalia-AMISOM-Civilians-Bahoku-23july10-99081919.html.

[186] From AMISOM daily media monitoring, "Ahlu Sunna clerics denounce TFG for deadly shelling in Mogadishu", Afternoon News Roundup, 26 April 2010; and http://www.markacadey.net/go/news.php?readmore=3335.

shelling" in civilian neighbourhoods with AMISOM officials.[187] In early September, a spokesman from the Hawiye Council of Elders pressed AMISOM to cease shelling civilian neighbourhoods.[188] Also in September, a senior Transitional Federal Government representative lodged an official complaint against AMISOM for killing and injuring civilians.[189] In October, a Transitional Federal Government official noted that the AMISOM policy in response to armed opposition group attacks and rules of engagement, in particular in Bakaara, had to change.[190]

222. In late 2010, the Monitoring Group met with a number of local Somali non-governmental organizations in Mogadishu who had called upon AMISOM to control its shelling and limit fighting to the front lines.[191] By late January 2011, as AMISOM tactics began to change, those same non-governmental organizations praised AMISOM operations and called on the United Nations to provide an expanded mandate and greater resources to support operations.[192] Other agency and international humanitarian organization officers, including the above-mentioned Transitional Federal Government official, also positively altered their opinion of AMISOM in early 2011.[193]

223. Acknowledging past reports that Transitional Federal Government and AMISOM forces had represented an inadvertent but de facto obstacle to humanitarian delivery, distribution and access in parts of Mogadishu — in part due to instances of crossfire in operations against insurgents — there have been some significant improvements since mid-2010. AMISOM has taken initiatives to coordinate with humanitarian organizations about ways to advance the delivery of and access to assistance, has accepted responsibility for unintended civilian casualties and destruction of property and has made changes in operational procedures and measures to ensure greater force accountability.

224. It is also important to note, however, that civilian casualties resulting from crossfire, and in some cases indiscriminate fire, increased in early 2011 during the AMISOM/Transitional Federal Government offensive against Al-Shabaab in Mogadishu, in particular in and around Bakaara Market.[194]

225. For additional findings relating to AMISOM, see annex 7.3.

Transitional Federal Government operations and its affiliated militia checkpoints

226. In contrast to increased public support for AMISOM operations, faith in the ability of the Transitional Federal Government to provide humanitarian assistance to its people and the security necessary for international humanitarian organizations to provide aid, did not substantially change.

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[187] http://www.shabelle.net/component/content/article/42-new-in-somali-content/1357-raiisul-wasaare-sharmaarke-waan-kala-hadlay-amisom-duqeynta-shacabka.

[188] http://www.baidoanews.com/view.php?id=5669 O1/StrengtheningAMISOM/.

[189] Eyewitness report by a United Nations official, 16 May 2011.

[190] Interview with a Transitional Federal Government official, 23 September 2010.

[191] Somali non-governmental organization focus group interview, Mogadishu, 10 December 2010.

[192] Somali non-governmental organization focus group interview, Mogadishu, 30 January 2011.

[193] Interview with United Nations agency representatives, Nairobi, and 2 March and 27 April 2011.

[194] World Health Organization, "Latest violence in Mogadishu causes high toll of wounded children under the age of five", press release dated 31 May 2011.

227. Local non-governmental organizations told the Monitoring Group that Transitional Federal Government-affiliated militia manning roadblocks and checkpoints had extorted money in 2010, presumably to make up for their overall lack of pay. In most cases, the perpetrators were called "Transitional Federal Government militias" rather than Transitional Federal Government soldiers.[195] A Government official objected to those allegations, stating that the Government had been trying hard to distribute humanitarian assistance from its limited resources, not obstructing it with roadblocks and checkpoints.[196]

228. While political infighting persisted, the attention of the Transitional Federal Government generally remained distracted from the essential needs of the most vulnerable people throughout the country. Nevertheless, some food was reportedly provided to families through local non-governmental organizations on behalf of the Government. Approximately 900 tents were also reportedly provided by foreign countries and distributed by local non-governmental organizations for the Government.[197]

229. Additional findings relating to the actions of the Transitional Federal Government are contained in annex 7.4.

Puntland

230. Humanitarian conditions in Puntland were significantly better than in southern and central Somalia. Obstruction was documented as occurring mainly along the borders of Puntland, with various self-proclaimed authorities to the south and with Sool and Sanaag to the west. Obstruction was primarily due to ongoing instability and insecurity in those areas. The single greatest humanitarian concern expressed by Puntland government officials was the need for prompt and extensive drought-related relief.

231. Several United Nations agencies reported incidents in which some Puntland officials had forcibly returned southern Somali internally displaced persons who had crossed their border. The agencies also expressed concerns about overall conditions in internally displaced person settlements near Garowe and Bosaaso. Puntland officials responded that many crossing their border were not "genuine internally displaced persons", but "economic migrants" or "security risks". They also complained that drought-related aid should benefit host communities as well as southern Somali internally displaced persons.

232. Additional findings relating to Puntland are contained in annex 7.5.

Somaliland

233. Humanitarian actors encountered relatively few obstacles to the delivery of assistance in Somaliland. Unresolved impediments generally involved bureaucratic obstacles and inadequate communication between international actors and Somaliland ministries, particularly on operational issues, including registration,

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[195] Somalia non-governmental organization focus group interview, Mogadishu, 11 December 2010; interview with United Nations agency representatives, Nairobi, 9 November 2010.

[196] E-mail received from a Transitional Federal Government official, 27 May 2011.

[197] Interview with a former Transitional Federal Government minister, Nairobi, 10 November 2010.

which became an even more contentious issue after the adoption of a new law, the Non-Governmental Organization Act, in early 2011.[198]

234. The stated purpose of the law is to (a) encourage non-governmental organizations to fully and appropriately participate in the development of the country; (b) make non-governmental organizations legally constituted organizations with legal personality; (c) regulate the development activities of non-governmental organizations so that their activities are aligned with the country's national development plan; (d) encourage more capable and independent community-based organizations; and (e) improve the accountability and transparency of non-governmental organizations.

235. Although the impact of the new legislation is still being assessed, United Nations agencies and international organizations have expressed concerns about its application to their projects, and clarification is still needed, particularly regarding article 35.3.[199]

236. The absence of a formal policy on Somali and other displaced persons was an additional problem. United Nations aid workers reported that they were unable to proceed with increased support for displaced persons until such a policy was adopted.[200]

237. In the disputed regions of Sool and eastern Sanaag, the prolonged absence of health care, education, employment and clean water persists as a result of insecurity and political uncertainty. Competing demands by the Somaliland and Puntland authorities that humanitarian operations into those areas should be staged from their respective territories have further aggravated the situation.

238. Additional findings relating to Somaliland are contained in annex 7.6.

Other regional authorities, freelance militias and bandits

239. There were numerous reported incidents of looting, attempted looting, roadblocks and checkpoints throughout Somalia, especially in areas of contested authority or where territory had changed hands. Such crimes also constituted obstruction of humanitarian assistance in the country.[201]

240. In some areas where emergent local authorities have claimed control over territory and begun to implement their own security, obstruction has begun to diminish. In other cases, self-proclaimed authorities have themselves been a source of obstruction.

241. Regional authorities include "Azania" (in the Juba Valley), the Shabelle Valley Authority, Himan iyo Heeb, the Galmuduug administration, Ahlu Sunna wal Jama'a in Galguduud, and the Sool, Sanaag and Cayn Army. While the extent of control wielded by those regional authorities varies, their responsibility not to obstruct

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[198] Somaliland Non-Governmental Organization Law, English version, the Non-governmental Welfare Organizations Law — Law No. 43/2010 (*Xeerka Ururada Samafalka ee Aan Dawliga Ahayn* (Xeer Lam. 43/2010)).

[199] Article 35.3 states that international non-governmental organizations shall not become implementers for other international non-governmental organizations and United Nations organizations working in the country.

[200] As of writing, full consideration of this bill is still pending.

[201] Interview with several officers from United Nations agencies, Nairobi, 9 November 2010.

humanitarian activities intended to benefit the civilian population living in areas under their control — as stipulated by the Security Council in its resolution 1844 (2008) — does not.

242. Additional findings in this regard are contained in annex 7.7.

D. Past misappropriation of aid resources and corrective measures

243. A number of corrective measures have been taken by various humanitarian agencies and actors to address concerns about the misappropriation of aid raised in the March 2010 report of the Monitoring Group.

Review of World Food Programme operations and corrective measures

244. Communication and cooperation with WFP in the follow-up to the 2010 report, and discussions regarding humanitarian obstruction, included more than 15 meetings with WFP staff in New York, Nairobi, Dadaab, Mandera, Mogadishu and Hargeysa, including meetings with WFP external auditors and the Inspector General of the World Food Programme. A Monitoring Group mission also joined WFP and Department of Safety and Security staff on a visit to WFP-supported internally displaced person settlements in Al-Jazeera I and III in Mogadishu, and observed 1 of 16 "wet feeding" centres operated by the Danish Refugee Council and SAACID in Hamar Jabjab, at which hot meals were provided to more than 5,000 war-affected Somali civilians.

Figure VIII
Wet feeding centre in Hamar Jabjab

245. WFP management provided data concerning their current contractors in Somalia at the request of the Monitoring Group.[202] The Monitoring Group provided

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[202] The United Nations Children's Fund, the United Nations Support Office for the African Union Mission in Somalia and WFP all provided comprehensive lists of contractors to the Monitoring Group.

evidence relating to its March 2010 report to WFP headquarters through the WFP office in New York as requested, and clarified that the 10 March 2010 report of the Monitoring Group mentions WFP contractor Mohamed Deylaaf only in his capacity as a principal contractor to the WFP. The report makes no allegations against Deylaaf concerning possible violations of Security Council resolutions 1844 (2008) and 1907 (2009), nor of any collusion between Deylaaf and Al-Shabaab. Footnote 121 of the report, in which Deylaaf is mentioned, refers to allegations made by previous Monitoring Groups only for the purposes of context. Neither the Monitoring Group that authored the March 2010 report nor the current Monitoring Group found sufficient basis to pursue those allegations. Since the issuance of that report, no evidence or allegations suggesting possible violations of Security Council resolutions 1844 (2008) and 1907 (2009) by, or collusion between that individual and Al-Shabaab, have come to the attention of the current Monitoring Group.

246. The Monitoring Group will continue to respond to any requests for further clarification and/or investigation from the Inspector General of the World Food Programme.

247. Additional findings relating to WFP are contained in annex 7.8.

Review of SAACID operations

248. SAACID was cited in the March 2010 report in connection with the alleged diversion of food aid in and around Mogadishu.[203] Further discussion with officials of SAACID yielded new information in follow-up to that report.

249. During its current mandate, the Monitoring Group had the opportunity to meet with SAACID officers in Washington, D.C., Nairobi and Mogadishu on multiple occasions. They provided all the requested information, including lists of boards of governors, contractors and partner organizations, budgets and audits.[204]

250. The current Monitoring Group has not found sufficient basis to pursue past allegations against SAACID. Since issuance of the March 2010 report, no evidence suggesting possible violations of Security Council resolutions 1844 (2008) and 1907 (2009) by SAACID has come to the attention of the Monitoring Group.

United Nations Somalia country team

251. The United Nations has also been establishing a risk management database under United Nations Development Programme auspices to allow for more thorough inter-agency communication regarding data on existing and potential contractors. It is anticipated that at least six agencies will have fully loaded contractor information into the database by June 2011.

Implementation of paragraphs 4 and 5 of Security Council resolution 1916 (2010)

252. Since March 2010, the United Nations Humanitarian Coordinator for Somalia has been required to report every 120 days to the Security Council on the implementation of paragraphs 4 and 5 of Council resolution 1916 (2010) and on any

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[203] S/2010/91, paras. 242-253.

[204] SAACID Board of Governors 2009-2010; SAACID Board of Governors 2010-2011; SAACID Community Therapeutic Care GPS coordinates, November 2009; SAACID map of kitchen sites, August 2009.

impediments to the delivery of humanitarian assistance in Somalia in accordance with paragraph 11 of resolution 1916 (2010). The reports were discussed by the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea and were issued as Security Council documents (S/2010/372, S/2010/580 and S/2011/125). They have served as regular reminders of the ongoing obstruction faced by aid operations in Somalia, although such obstruction persists to date. With the adoption of resolution 1972 (2011), the Security Council extended the humanitarian carve-out for 16 months and requested the Emergency Relief Coordinator to issue two reports within that period.

Eritrea

VI. Background and context

253. The State of Eritrea achieved formal independence from Ethiopia in 1993 following a 30-year war of liberation that ended with the overthrow of Colonel Mengistu Haile Mariam's military Government (the "Derg") in 1991 and a subsequent referendum. With a population estimated by the World Bank at 5.1 million, and GDP per capita of $369, Eritrea ranks among the world's least developed countries.[205]

254. Eritrea's relations with its neighbours, since gaining independence, have been turbulent. In the process of defining the new State's borders, the country has clashed with three of its neighbours — Ethiopia, Yemen and Djibouti — and maintained a complex, and somewhat ambiguous relationship with the Sudan. In December 2009, invoking Eritrea's alleged support for Somali armed opposition groups and its border conflict with Djibouti, the Security Council passed resolution 1907 (2009), which imposed a sanctions regime on Eritrea, including a general and complete arms embargo (on both imports and exports) and prohibited Eritrean support for armed groups throughout the region. Violators of this resolution face possible targeted measures, including an assets freeze and travel ban. However, as of the time of writing, the Security Council has yet to designate any individuals or entities for such measures.

Eritrean foreign and security policy

255. Eritrea's foreign and security policy, including its involvement with various armed groups throughout the region, can only be understood in the context of the 1998-2000 war with Ethiopia. Ethiopia's failure, to date, to implement the ruling of the Eritrea-Ethiopia Boundary Commission on the disputed border, and the continuing presence of Ethiopian civilian officials and military forces on territory awarded to Eritrea by the ruling, is routinely cited by the Government of Eritrea as justification for its support to Ethiopian armed opposition groups, such as ONLF and OLF, which are named in this report. Eritrea's "cold peace" with Ethiopia is also reflected in its actions elsewhere in the region, notably Somalia, where Ethiopia and Eritrea have supported various rival factions and administrations since 1998.

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[205] See World Bank website at http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/AFRICAEXT/ERITREAEXT/0,,menuPK:351412~pagePK:141132~piPK:141109~theSitePK:351386,00.html.

256. Moreover, Eritrea's war with Ethiopia dramatically altered Eritrea's political and developmental trajectory. The Constitution, ratified in 1997, was suspended, elections indefinitely postponed, and a de facto state of emergency introduced. Eritrea's ruling party, the People's Front for Democracy and Justice (PFDJ), which evolved out of the Eritrean People's Liberation Front (EPLF) in 1994, resumed its posture as a fighting front, retaining de facto control over functions that would normally be discharged by the State. As a result, State and even party institutions have been left to atrophy, while power and resources have become increasingly concentrated in the hands of a small number of individuals and are largely managed outside Government institutions and channels.

257. In investigating and assigning responsibility for violations of Security Council resolutions 1844 (2008) and 1907 (2009) described in this report, the Monitoring Group has been obliged to analyse and explain the opaque network of senior party, military and intelligence officials who govern Eritrea, the highly personalized and often clandestine manner by which decisions are taken and implemented, and the informal and routinely illicit ways in which the necessary resources are mobilized and managed.

VII. Support to armed groups involved in violence, destabilization or terrorist acts*

258. In the course of the current mandate, the Monitoring Group obtained firm evidence of Eritrean support for armed opposition groups throughout the region, including Djibouti, Ethiopia, Somalia and the Sudan. Support for these groups also involves Eritrean diplomatic, intelligence and PFDJ-affiliated networks in Kenya, Uganda, the United Arab Emirates and elsewhere.

259. The Government of Eritrea acknowledges that it maintains relationships with Somali armed opposition groups, including Al-Shabaab, but characterizes these linkages as political (and, in one particular case, as "humanitarian"), while denying that it provides any military, material or financial support. Evidence and testimony obtained by the Monitoring Group, including records of financial payments, interviews with eyewitnesses and data relating to maritime and aviation movements, all indicate that Eritrean support for Somali armed opposition groups is not limited to the political or humanitarian dimensions. Moreover, there is no evidence to suggest that Eritrea, either in terms of unilateral initiatives or through participation in multilateral political forums, is employing its privileged relationship with Al-Shabaab or other opposition groups for the purposes of dialogue or reconciliation.

260. Eritrea has declined to respond to the Monitoring Group's queries concerning its support for armed groups in Djibouti and Ethiopia on the grounds that these are bilateral disputes, and that in the case of Djibouti is a dispute subject to mediation under Qatari auspices. It has therefore not been possible for the Monitoring Group to present an Eritrean response to these allegations in its report.

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* In paragraph 15 (b) of its resolution 1907 (2009), the Security Council prohibits provision of "support from Eritrea to armed opposition groups which aim to destabilize the region"; in paragraph 15 (d), the Council prohibits "harbouring, financing, facilitating, supporting, organizing, training, or inciting individuals or groups to perpetrate acts of violence or terrorist acts against other States or their citizens in the region".

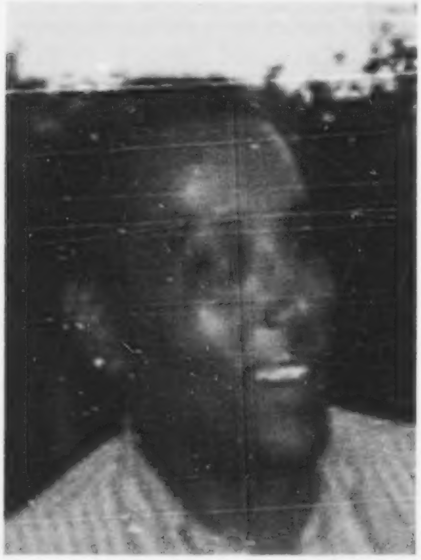
A. External operations

261. Eritrean support for armed opposition groups is directed by a small but efficient team of officers from the National Security Office, the Eritrean military and the PFDJ leadership under the direct supervision of the President's Office. The secretive nature of these institutions, a certain degree of overlap between their areas of responsibility, and the subversion of official structures in favour of personal loyalties and informal authority, mean that precise chains of command are kept deliberately opaque. Moreover, many senior officers fulfil multiple functions and may report to more than one chain of command. The Monitoring Group has received recent information indicating that a reorganization of the Eritrean security services is currently under way, further complicating efforts to describe these structures.

262. Nevertheless, the Monitoring Group has been able to identify some key officers responsible for the direction and conduct of Eritrean external intelligence operations in the Horn of Africa region, as well as their principal functions. They include:

(a) **Brigadier General Te'ame Goitom Kinfu (also known as Wedi Meqelle)**:[206] usually known simply as Te'ame or Wedi Meqelle, he is the chief of Eritrean external intelligence operations in the Horn, and has been named in previous Monitoring Group reports for his involvement in support for Somali armed opposition groups.[207] The Monitoring Group has obtained a photograph of General Te'ame and verified its authenticity;

Figure IX
Brigadier General Te'ame Goitom (also known as Wedi Meqelle)



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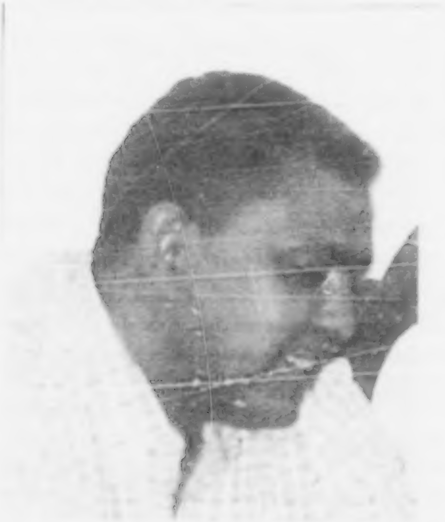
[206] General Te'ame has also used the aliases Te'ame Abraha Selassie, Abraham Te'ame and Fitsum Berhane Tewelde. The Monitoring Group has recently obtained details of two travel documents previously used by General Te'ame.

[207] See S/2010/91, para. 60 and note 30.

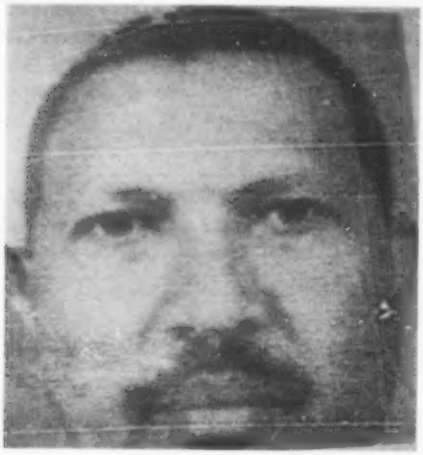
(b) **Colonel Fitsum Yishak (also known as "Lenin")**: Colonel Fitsum acts as Te'ame's deputy for external operations and supervises training for regional armed opposition groups. He is also directly involved in training of highland Ethiopian (i.e. Tigrayan and Amhara) armed opposition groups. Fitsum also reports to General Teklai Kifle "Manjus", commander of the Western military zone and border units, and reportedly works closely with him in cross-border smuggling activities. The Monitoring Group has obtained a photograph of Colonel Fitsum and verified its authenticity;

Figure X
Colonel Fitsum Yishak (also known as "Lenin")



(c) **Colonel Tewelde Habte Negash**: Also known by the aliases "Musa", "Amanuel Kidane" and "Wedi Kidane", Colonel Negash works closely with Te'ame and is responsible for training of and support to Somali armed opposition groups, and has been involved in training for some Ethiopian opposition groups. He is reportedly an explosives expert. He has been deported from Kenya on more than one occasion. For further information about Colonel Negash's activities and links to Somali and Ethiopian armed opposition groups, see annexes 8.1 and 8.5;

Figure XI
Colonel Tewelde Habte Negash (also known as "Musa")



(d) **Colonel Gemachew Ayana (also known as "Kercho")**: Colonel Gemachew is responsible for training of and support to OLF;

(e) **Colonel "Hatsaynet"**: Based at Kiloma in eastern Eritrea, Colonel "Hatsaynet" is the officer-in-charge of military intelligence in that zone and has been involved in the training of and support to Afar and Somali opposition groups.[208]

263. Other officials involved in external intelligence operations include:

(a) **Tesfalidet Teklai Selassie**: Chief of Staff in the Office of the President, he controls access to President Isaias Afwerki and is responsible for communicating the President's instructions to Government and party officials, including the security services. He occasionally undertakes special missions abroad on behalf of the President;

(b) **General Teklai Kifle "Manjus"**: Commander of the Eritrean border forces as well as the western military zone, and Fitsum's direct superior in the military chain of command;

(c) **Admiral Humed Karekare**: Commander of the Eritrean naval forces, and directly involved in support to the Front pour la restauration de l'unité et la démocratie (FRUD) in Djibouti.

B. Training facilities

264. In support of its external operations, Eritrea maintains an extensive and complex network of training centres, camps and facilities. While training of foreign armed opposition groups is conducted under the auspices of the National Security Agency, training centres are often co-located with military facilities, and logistics and material are often provided by the military.

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[208] According to one source, the real name of Colonel "Hatsaynet's" is Teklai Girmay, but the Monitoring Group has not yet been able to verify this with other sources.

265. The Monitoring Group's description of training facilities is based largely, but not exclusively, on interviews with over 100 former members of six armed opposition groups, including:

- Al-Shabaab
- Hisb'ul Islam/Somali Islamic Front[209]
- Hisb'ul Islam/ARS Asmara
- Ogaden National Liberation Front (ONLF)
- Oromo Liberation Front (OLF)
- Front pour la restauration de l'unité et de la démocratie (FRUD)

266. Testimony from these interviews has been consistent with respect to locations, place, names, identities of key officers and the nature of the training given, particularly in central and eastern Eritrea. However, the function and even location of some of the smaller facilities has changed over time, so some of the information in this report may already be outdated. A list of training facilities identified by the Monitoring Group is attached in annex 8.1.

C. Eritrean assistance to armed groups in violation of Security Council resolutions 1844 (2008) and 1907 (2009)

267. During the course of the mandate, the Monitoring Group has observed and investigated a variety of Eritrean activities in support of armed groups throughout the region. Broadly speaking, these activities fall into four categories:.

(a) Support to Somali armed opposition groups in violation of resolutions 1844 (2008) and 1907 (2009);

(b) Support to Ethiopian armed opposition groups via Somalia, in violation of resolutions 1844 (2008) and 1907 (2009);

(c) Support to non-Somali armed groups engaged in acts of destabilization or terrorism in violation of resolution 1907 (2009);

(d) Operations using proxy forces that fall under direct Eritrean command and control, falsely "flagged" as domestic opposition groups, in violation of resolution 1907 (2009).

D. Djibouti*

268. In June 2008, fighting broke out between Eritrean and Djiboutian forces near the coastal village of Ras Dumeira, on their common border. In the course of the fighting, Djibouti claims that 30 of its soldiers were killed in combat, 19 soldiers were reported missing and dozens sustained injuries. Djibouti also claims to have

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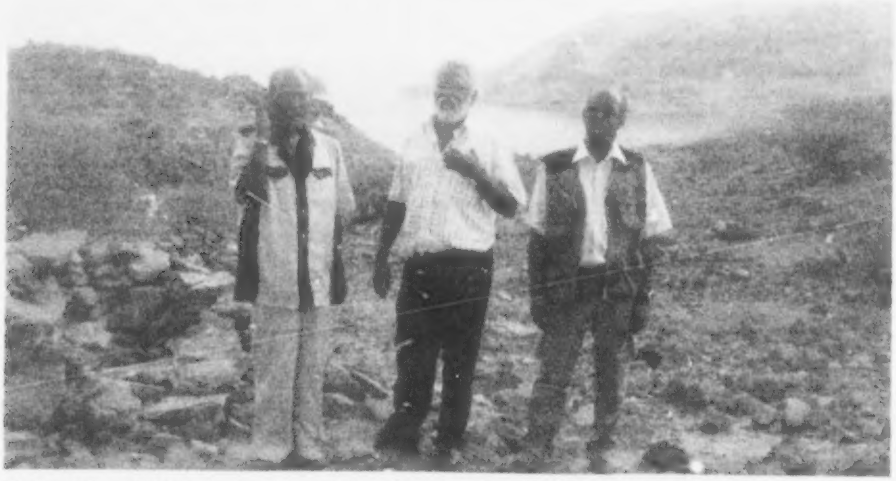
[209] Also known as Jabhadda Islaamiga Soomaaliyeed or JABISO.

* In paragraph 16 of its resolution 1907 (2009), the Security Council "demands that all Member States, in particular Eritrea, cease arming, training, and equipping armed groups and their members including Al-Shabaab, that aim to destabilize the region or incite violence and civil strife in Djibouti".

suffered material losses, including two aircraft, over a dozen vehicles, including armoured personnel carriers, and a variety of arms, ammunition and military materiel.[210] The Government of Eritrea declined to comment on the dispute.

269. Although a formal ceasefire was announced on 9 June 2010, under the auspices of Qatar, Eritrea has continued to provide support for a splinter group of FRUD known as FRUD-Combattant (FRUD-C),[211] headed by Mohamed Kadd'ami, an Afar politician reportedly domiciled in France. The group is active in the north of Djibouti, in the region of the Mabla mountains between Obock and Tadjourah, where it conducts military operations with the aim of harassing Djiboutian forces but also, according to Djiboutian officials, engages in banditry and extortion to sustain itself.

Figure XII
Eritrean Admiral Humed Karekare with FRUD-C leaders, October 2009



(From left to right: Admiral Humed Karekare, Mohamed Kadd'ami, and Hassan Muqbil)

270. The original FRUD, an ethnic Afar rebel movement, waged an insurgency against the Government of Djibouti between November 1991 and December 1994, when a faction of FRUD signed a peace agreement with the Government and two FRUD members joined the Cabinet. A more radical faction of FRUD, under the leadership of Ahmed Dini Ahmed, continued the armed struggle, to lesser effect, until the signature of a second peace agreement in Paris on 7 February 2000.

271. Between 2000 and 2008, the military effectiveness of FRUD-C was negligible and its anti-Government campaign was effectively limited to statements issued by its spokesman, Mohamed Hassan Muqbil. In 2008, however, Eritrea initiated a programme of support for FRUD-C, offering bases, training, arms and equipment.

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[210] Ministry of Foreign Affairs of Djibouti, "Lourdes pertes subies par l'armee djiboutienne", July 2010.

[211] Also known as FRUD-Armé.

272. The scale of Eritrean support has been limited, and the military operations of FRUD-C since 2008 have remained small-scale and largely ineffective. Nevertheless, Eritrean support for the group represents a violation of Security Council resolution 1907 (2009), as well as an obstacle to the implementation of resolution 1862 (2009) (see paras. 426 to 433 below).

273. According to Mohamed Jabhaa, a former FRUD-C commander currently detained in Djibouti and interviewed by the Monitoring Group, Eritrean support for his militia dates from late 2008. Jabhaa's fighters were permitted to make use of an Eritrean military facility in Ghibdo, a small garrison town on the road between Assayb and Bure. When fighting erupted between Eritrea and Djibouti along the common border, the FRUD-C base relocated to Deba Sim, further from the border, then in late 2009 to Anda'ali.[212]

274. In a series of statements recorded by the Government of Djibouti, Jabhaa allegedly described arms, ammunition and equipment provided to his fighters by the Government of Eritrea.[213] However, in an interview with the Monitoring Group, Jabhaa acknowledged only that the Government of Eritrea was "supporting us, providing food, medicines and treating our wounded fighters", but denied receiving any weaponry or military equipment. He claimed that his group had to purchase uniforms, arms and ammunition from Yemen. His main point of contact with the Eritreans was Colonel Hatsaynet, a military intelligence officer based in Assab, who has also been identified to the Monitoring Group by numerous former fighters from Ethiopian and Somali armed opposition groups. Cross-border movements took place at Dada'atu, a border crossing point also employed by members of OLF (see the case study on OLF in sect. VII.E.2 below).

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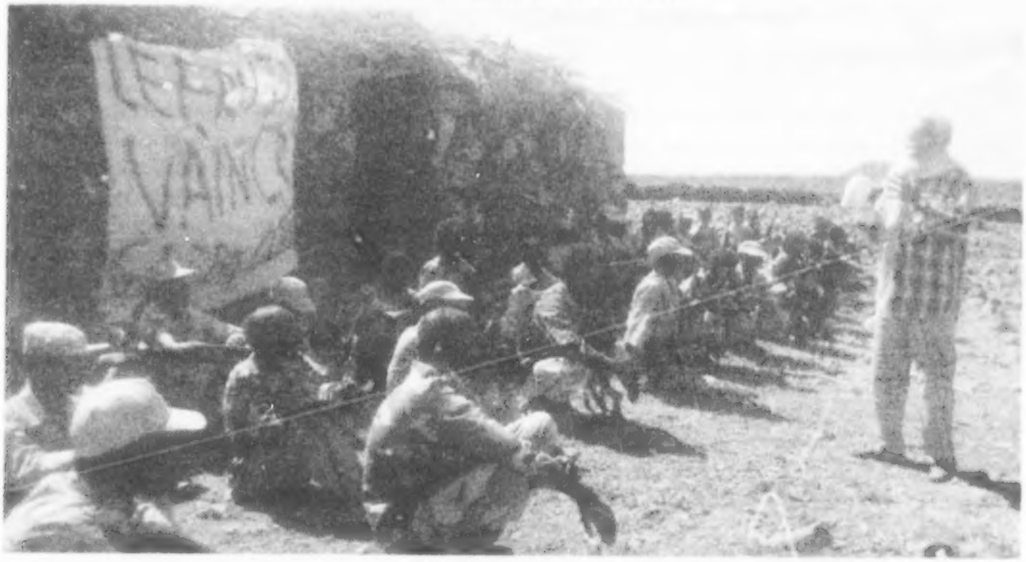
[212] Jabhaa identified himself in one of the photographs obtained by the Monitoring Group and acknowledged his presence at the October 2009 event depicted therein (see annex 8.2 for an image of Jabhaa with the FRUD-C leadership). He also positively identified Admiral Humed Karekare, Mohamed Kadd'ami and Hassan Muqbil (Monitoring Group interview, November 2010).

[213] Government of Djibouti report, July 2011.

Figure XIII
Mohamed Kadd'ami addressing FRUD-C fighters, October 2009



275. According to Jabhaa, at least two other Afar rebel groups from Ethiopia, the Afar Liberation Front and the Afar movement "Ugugumo" (also known as the Afar Revolutionary Democratic United Front or ARDUF), are supported and trained in Eritrea, near Kiloma. He also claimed to be aware that Oromo and Somali armed opposition groups are trained at Kiloma, corroborating statements from former members of these groups (see the case studies on Eritrean intelligence links with Somali armed opposition groups (annex 8.5) and on ONLF (annex 8.3)).

276. In February 2011, Djiboutian military forces, acting on information received from an informant in the Tadjourah area, conducted a search operation near the Eritrean border at Assara'tu. According to Djiboutian governmental sources, the operation led to the seizure of 50 kilograms of explosives hidden in a cave. According to a Djiboutian law enforcement official, a FRUD-C radio communication intercepted later the same day made reference to the explosives having been discovered and confiscated.[214] Although the Government of Djibouti provided the Monitoring Group with access to the explosives, they are of Soviet-era manufacture, and the Monitoring Group has been unable to trace their place of origin or chain of custody.

E. Ethiopia

277. Eritrean support for Ethiopian armed opposition groups is symptomatic of the unresolved border dispute between the two countries. Both countries host opposition forces from the other. Eritrea refused to answer the Monitoring Group's questions relating to support for Ethiopian armed opposition groups, citing national security

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[214] Interview, Djibouti, March 2011.

grounds and the continuing presence of Ethiopian forces on territory awarded to Eritrea by the Eritrea-Ethiopia Boundary Commission decision of 13 April 2002.[215]

278. During the course of its mandate, the Monitoring Group received credible information of Eritrean support for the following Ethiopian armed opposition groups:

- Ogaden National Liberation Front
- Oromo Liberation Front
- Afar Liberation Front
- Afar Revolutionary People's Democratic Front, also known as Ugugumo
- Sidamo Liberation Front
- Tigrayan People's Democratic Movement
- Unidentified fighters from the Amhara and Gambella regions of Ethiopia

279. In two cases in particular, regarding ONLF and OLF, the Monitoring Group was able to independently verify these allegations.

1. Ogaden National Liberation Front

280. Eritrean support for the Ogaden National Liberation Front began towards the end of the Ethiopian-Eritrean war, and has been addressed in several previous Monitoring Group reports.[216] A senior ONLF official involved in early contacts with Asmara told the Monitoring Group that after initial engagement with embassies abroad, the first ONLF delegation visited Asmara by 2001 for direct talks with President Isaias Afwerki and his officials.[217] New information obtained by the Monitoring Group demonstrates beyond reasonable doubt that such assistance has continued since the imposition of resolution 1907 (2009).

281. According to information obtained from former and current senior ONLF officials, Eritrean assistance to ONLF prior to 2006 was channelled principally through Bosaaso to the Abudwaq area of central Somalia, then across the border into Ethiopia.[218] Officials responsible for the logistics of this operation included Colonels Te'ame "Meqelle" (since promoted to the rank of general) and Tewelde Habte Negash on the part of the Government of Eritrea, and Abdinur Soyaan and Bashir Makhtal on the part of ONLF. Some shipments of arms and ammunition were dispatched directly from Eritrea, but between 2007 and 2008, a new arrangement involving Eritrean payments to a Yemeni arms dealer was introduced.[219] This arrangement proved unsatisfactory, since the materiel shipped from Yemen proved to be substandard.

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[215] Monitoring Group meetings with Eritrean Government and party officials, Asmara, 13 September 2010 and 28 January 2011. The Monitoring Group informed the Government of Eritrea that its mandate was limited to technical matters and that such wider political and legal considerations were beyond its mandate.

[216] See, for example, S/2003/223, paras. 62-73 and S/2006/913, paras. 23 and 39.

[217] Interview with former ONLF official, November 2010.

[218] Interviews with former ONLF logistics officer, November 2010 and current senior ONLF official, November 2010.

[219] Interview with former ONLF senior official, November 2010.

282. In 2006, following the seizure of Mogadishu by the Union of Islamic Courts (UIC), Eritrean assistance to UIC was also initially delivered through existing ONLF channels, until direct coordination of military support could be established with the UIC leadership. ONLF official Bashir Makhtal and Eritrean intelligence officer Tewelde Habte Negash were deployed to Mogadishu for this purpose. An ONLF official who served as Negash's translator at the time described to the Monitoring Group a series of meetings between Negash and UIC and Al-Shabaab officers during that period — information that was subsequently corroborated by the current Minister of Defence in the Transitional Federal Government, Yusuf Mohamed Siyaad Indha'adde, who was at that time Secretary of Defence of UIC.[220] Military assistance to UIC was subsequently delivered both overland (via Bosaaso) to Dhuusomareeb, and by air directly to Mogadishu. In September 2006, the Government of Eritrea nevertheless stated that it adhered to a "policy of non-interference in the internal affairs of Somalia and […] remains fully committed to the arms embargo on Somalia".[221]

283. Ethiopian military intervention in Somalia in 2006 dismantled ICU, and the primary Eritrean channel of assistance to ONLF reverted to Puntland. However, in 2008, Ethiopian intelligence cooperation with the Puntland authorities led to the arrest of several ONLF officials in Puntland, including Abdinur Soyaan, and obliged Eritrea and ONLF to establish an alternative route. The main ONLF supply line thus shifted to Awdal region in western Somaliland.

284. In early September 2010, a group of more than 200 ONLF fighters arrived by sea at a point on the north-western coast of Somaliland near the port village of Lughaya. The intention of the ONLF unit was to pass undetected through Somali territory, crossing into Ethiopia near the border town of Boraame. But Somaliland security forces detected their presence and gave pursuit, forcing the group across the frontier into Ethiopia, where they were intercepted, defeated and dispersed by the Ethiopian military. In November 2010, the Monitoring Group interviewed surviving members of the ONLF force in detention in Jigjiga, and inspected weapons and equipment recovered from them on both sides of the border. The evidence from this investigation, which demonstrated beyond reasonable doubt that the ONLF force had been trained in, equipped by and deployed from Eritrea, is attached in annex 8.3. Eritrean support for this force, and its deployment through Somali territory, violates both Security Council resolutions 1844 (2008) and 1907 (2009).

2. Oromo Liberation Front

285. Like ONLF, the Oromo Liberation Front (OLF) has benefited from Eritrean patronage since the 1998-2000 Ethiopian-Eritrean war. Eritrean involvement with OLF in the context of Somalia has been documented by previous Monitoring Groups. OLF has maintained offices in Asmara for over a decade, and its leadership has long used Eritrea for training and as a platform for operational deployment. An internal OLF contact list from approximately 2006 identifies key officials by name, their phone numbers, and their principal Eritrean contacts (see annex 8.4.a). The Monitoring Group has been able to verify much of this through interviews with former OLF members, and has confirmed that much of it remained valid at the time of the current mandate.

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[220] Interview with former ONLF translator in November 2010 and with Yusuf Indha'adde in April 2011.

[221] Government response to the Monitoring Group, 6 September 2006.

Case study: planned "Oromo Liberation Front" operation to disrupt the African Union summit

286. In early 2011, Ethiopian intelligence and federal police disrupted a conspiracy to bomb targets in and around Addis Ababa at the time of the sixteenth ordinary session of the Assembly of the African Union, which was scheduled to take place on 30 and 31 January 2011. Although ostensibly an OLF operation, it was conceived, planned, supported and directed by the external operations directorate of the Government of Eritrea, under the leadership of General Te'ame. If executed as planned, the operation would almost certainly have caused mass civilian casualties, damaged the Ethiopian economy and disrupted the African Union summit.[222]

(a) Background to the operation: recruitment, planning and training

287. Planning for the operation appears to have begun in 2008, when the National Security Agency of Eritrea recruited and trained the first of the OLF fighters to be involved in the operation. Fekadu Abdisu Gusu, a survivor from an OLF unit that had been defeated and dispersed with heavy losses by the Ethiopian military, told the Monitoring Group that in 2008 an OLF associate in Kenya had put him in contact with an Eritrean Colonel calling himself "Gemachew Ayana", also known as "Kercho". Gemachew gave Fekadu instructions to travel with three other OLF fighters to Eritrea by way of the Sudan.[223]

288. Following his arrival in Eritrea, Fekadu received several weeks of initial training in explosives theory and practice at various sites in and around Asmara, under Gemachew's supervision. The principal instructor was an Eritrean officer known to his students only by the nickname "Wedi Eyasu".[224] Upon completion of this training, Fekadu told the Monitoring Group, he was instructed to travel to Addis Ababa to familiarize himself with the city.[225]

289. Two months later Fekadu was recalled to Eritrea for more extended and intensive training in a range of military skills, first near Dek'emhare then at the camp of Een, where he and other OLF trainees spent the rest of 2009. According to Fekadu, a Tigrayan militia group known as "Demhit" was also training at Een during the same period.[226]

290. While Fekadu was training at Een, the Eritrean security services, through Colonel Gemachew, approached an OLF cadre based in Djibouti named Omar Idriss Mohamed, who would eventually become the team leader for the Addis Ababa operation. In interviews with the Monitoring Group, Omar stated that he had joined OLF in 2003, undergone training in Eritrea at Mulubera (near Gash Barka) and Addis Ma'askar, and held increasingly senior posts. During the month of Ramadan

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[222] From 7 to 10 March 2011, the Monitoring Group was granted access to evidence recovered by the Government of Ethiopia, including arms, explosives, telephone and financial records and telephone intercepts. During that period, the Group also spent more than 22 hours over a period of three days separately interviewing seven detained members of OLF involved in the operation, including team leader Omar Idriss Mohamed.

[223] Interview with Fekadu Abdisu Gusu, 9 March 2011.

[224] The Monitoring Group believes this individual to be Solomon Eyasu, a Ministry of Defence official who also assists the presidential office in matters of security.

[225] Interview with Fekadu Abdisu Gusu, 9 March 2011.

[226] Interview with Fekadu Abdisu Gusu, 9 March 2011. This information corresponds with information obtained during an interview with an ONLF detainee, November 2010.

(August/September) 2009 he was contacted by OLF Chairman Dawud Ibsa and told to expect a call from an Eritrean officer who would give him a secret assignment. Shortly afterwards he was contacted by Colonel Gemachew, who told him to bring five new recruits to Eritrea.[227] He did so, crossing the border at Dada'atu, and subsequently returned to Djibouti.[228] Imam Sa'id Ahmed, who was among the five, confirms that the group was subsequently assigned to train together with Fekadu at Een.[229]

291. In March 2010, Omar was again recalled to Eritrea, meeting with Gemachew and Te'ame at an Asmara hotel. Te'ame told Omar that he would receive explosives training for "urban operations" and should select two of the five recruits he had brought from Djibouti for this special purpose. Omar travelled to Een to attend the graduation ceremony of the recruits, who knew him under the pseudonym "Yahya", and selected two of them as Te'ame had requested: Abdulqadir "Gurtu" and Sa'id Mohamed Yusuf "Drogba".

292. In late April or early May 2011, after two weeks of theoretical and practical training in and around Asmara, the three of them were instructed to prepare for a mission to Djibouti, with the objective of blowing up Ethiopian fuel trucks at a depot on the outskirts of Djibouti town. They were told that the explosives would be delivered to them.

293. For reasons that are unclear, Te'ame recalled Omar to Eritrea before the planned operation could be carried out. Omar and his two associates travelled overland to Djibouti, where they spent several weeks on reconnaissance before being recalled to Eritrea. He and 10 other OLF fighters were sent to Een for a month of refresher training in basic infantry skills, under the supervision of the Een camp commander, Colonel Jamal, with Omar serving as the group's leader. Upon completion of the training, Omar was recalled to Asmara where Te'ame informed him that his new target for the operation was to be Addis Ababa.

(b) Team 1: Fekadu Abdisu Gusu

294. In March 2010, as final preparation prior to deployment, Fekadu and other trainees were sent to Asmara for a brief course with Wedi Eyasu on the use of mobile telephones and mechanical timers to detonate explosives. According to Sifen Chala Bedada, a member of Fekadu's team, he and other members unfamiliar with explosives received essentially the same basic training that Fekadu had received, as well as some instruction from Te'ame in operational security and countersurveillance.[230] Gemachew then instructed Fekadu and his team to return to Addis Ababa, where they were to await the arrival of explosives and further orders. Following his deployment, Fekadu remained in contact with Gemachew, with phone records indicating that at least 27 conversations took place between them.[231]

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[227] The five recruits were: Sa'id Ali Ahmed "Doctor", Imam Sa'id Ahmed (also known as Yemam also known as Abu Mohamed Telah also known as Abdulwahab), Abdou Sa'id Mufti (also known as "Ali"), Abdulqadir "Gurtu" and Sa'id Mohamed Yusuf "Drogba".

[228] FRUD commander Mohamed Jabhaa also confirmed to the Monitoring Group the use of Dada'atu as a primary crossing point for members of OLF. Interview, Djibouti, 30 November 2010.

[229] Interview with Imam Sa'id Ahmed, 10 March 2011.

[230] Interview with Sifen Chala Bedada, 10 March 2011.

[231] Confidential document archived at the United Nations.

295. Fekadu and his team were sustained in Addis Ababa thanks to periodic money transfers from abroad. Sifen Chala Bedada told the Monitoring Group that Gemachew arranged for him to receive payments through the Dahabshiil and Amal money transfer companies, using various Oromo and Eritrean intermediaries in Kenya and the Sudan. Official documents issued by Amal Express and the Commercial Bank of Ethiopia confirm that such transactions took place (see annex 8.4.b).

(c) Team 2: Omar Idriss Mohamed

296. In mid-2010, Omar was dispatched to Ethiopia with instructions from Te'ame to reconnoitre an overland route to Addis Ababa by way of Chifra, for infiltration of his team, and to survey a number of possible targets in the Ethiopian capital, including the African Union headquarters, the London Café, near Bole Airport, the Axum Hotel, and the Filoha area between the Sheraton Hotel and the Prime Minister's office.

297. Upon completion of his reconnaissance mission, Omar returned to Eritrea where he rejoined the trainees at Een. Upon their graduation in December 2010, Omar and "Drogba" travelled together to Assab for a final session on explosives with Wadi Eyasu and a briefing from Te'ame. In an interview with the Monitoring Group, Omar recalled Te'ame's briefing in the following terms:

> "One of the targets he gave me was the African Union summit. I was told to rent a Land Cruiser or a car of the same standard as the African Union leaders and delegates. I was to prepare two to four cylinders, hidden in a TV style box, and put it behind the seat of the vehicle. I was to extend the fuse to the front panel of the car. We should study the times that the African Union leaders took their breaks and choose a time that they were either coming or going. Then we should set a mobile phone alarm for that time. We were to sit in a nearby hotel or café and if the leaders came out at a different time, we could call the cell phone.
>
> "The intention was not to kill the leaders, but to show them that they are not safe, that Ethiopia is not safe for them. By so doing, some people may start to listen to what Eritrea is saying about Ethiopia. Some Arab States will be sympathetic to this view.
>
> "Another target was Filoha, near the Palace, the Sheraton and the Prime Minister's office.
>
> "The third target was Merkato [the largest open air market in Africa] to kill many people. This would make the people complain that the Government is not keeping them safe. We would place the explosives, together with gas cylinders, on an Isuzu pick-up truck. Such a truck can be filled with up to 15 cylinders and 4 to 6 kg of C-4 explosive. We were to wrap the cylinders with detonator cord and extend it to the front of the vehicle. The C-4 would be packed around the inner six cylinders, and the detonator cord would be wrapped around the other nine. The fuse would be placed in one end of the detonator cord and initiated by mobile phone.
>
> "Te'ame opened his laptop and showed me a video about how Iraqi insurgents have used explosives to powerful effect. He was trying to motivate

> me […] then he closed the laptop and told me that we would make Addis Ababa like Baghdad."[232]

298. The following day, Omar met again with Te'ame and Gemachew to discuss possible follow-up operations, including bombings of Government-affiliated banks, public transport networks and the Addis Ababa power grid.

299. According to Omar, he and Drogba received from Gemachew a bag of approximately 20 kg of C-4 explosive, detonators and a roll of 100 metres of RDX detonator cord (pictures of items recovered from the OLF team are attached in annex 8.4.c).

300. They travelled on foot to Djibouti, then by car across the border into Ethiopia. Omar described in detail to the Monitoring Group the precautions taken at each stage of the journey to avoid detection by Ethiopian police and security forces. Upon arrival in Addis Ababa, Omar handed over the explosives and material to an individual named "Musa", whose task was to keep the explosives safe until they were required for operations. Omar also contacted Fekadu, whose team was already in place awaiting instructions.

301. Fekadu briefed Omar that they had failed to find a vehicle, since most car hire agencies would not provide a car without a driver, and that to purchase a vehicle required them to present identification. Omar also observed that Fekadu had rented a house in a shared compound, undermining privacy and secrecy.

(d) Team 3: Mohamed Nur "Doctor"

302. While the team in Addis Ababa struggled to prepare the operation, the remaining trainees at Een completed their training and also prepared for deployment overland into Ethiopia. One member of this team, Imam, told the Monitoring Group that an Eritrean logistics officer at Een issued weapons and equipment to the team. As the team sniper, he was given a Dragunov-type sniper rifle, which he carried on the mission (see para. 307 and fig. XIV below, as well as export details and the end-user certificate in annex 8.4.d).[233] The others received Kalashnikov-pattern assault rifles and ammunition.[234] Mohamed Nur "Doctor", one of the original recruits enlisted by Omar from Djibouti, was designated the team leader.

303. According to both Imam and Sa'id Abdirahman Omar, the team was first travelled to Assab, where Te'ame and Gemachew provided them with final instructions and explosives. Their orders were to travel on foot to the Chifra area, where they should bury the explosives and await further orders from Omar.[235]

(e) The operation unravels

304. In early January 2011, with the date of the operation fast approaching, Omar requested additional funds from Gemachew:

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[232] Interview with Omar Idriss Mohamed, 10 March 2011.

[233] Interview with Imam Sa'id Ahmed, 10 March 2011.

[234] According to Imam Sa'id Ahmed, the members of this team were (a) Sa'id Ali Ahmedey also known as Mohamed Nur also known as "Doctor"; (b) Imam Sa'id Ahmed also known as Abdu Mohamed Toleha; (c) Abdu Sa'id Mufti also known as Ali; (d) Adem Awel Sa'id; (e) Adem Idriss; (f) Sa'id Abdirahman Omar also known as Sa'id Kemse also known as Bow; and (g) Feyera Bekele also known as Abdi.

[235] Separate interviews with Imam Sa'id Ahmed and Sa'id Abdirahman Omar on 10 March 2011.

> "The additional cash was sent to Addis via Amal hawala from Kenya in the name of Omar Idriss. Then I gave the new $3,000 to the three other guys and I kept the balance of what was remaining from Asmara to myself. Gemachew had also told me he would send $500 to a woman associated with one of the guys — Enani Melesi, a friend of Tesfay [Fekadu], so she could return to Asmara."[236]

305. The Monitoring Group subsequently obtained the records of both of these transactions, dated 8 January 2011, corroborating Omar's account (see annex 8.4.b).

306. In the last week of January, with time running out before the African Union summit, Omar felt the need to consult with Gemachew. In order to do so, he would travel to Metemma, near the Sudanese border, where he could call Eritrea from a Sudanese SIM card. Likewise, Gemachew would sometimes travel to Teseney in Eritrea from where he could call with a Sudanese or Ethiopian SIM (see phone records attached in annex 8.4.e). Phone records appear to indicate that they made contact 39 times during Omar's deployment in Ethiopia, mainly initiated by Gemachew. Omar also spoke once with Te'ame and Dawud Ibsa while they were together at Te'ame's office.[237] The phone number indicated in phone records for Te'ame's office is the same one independently provided to the Monitoring Group by another former OLF cadre, arrested in the Sudan, during an interview in May 2011.[238] The Monitoring Group is in possession of an audio recording of a conversation between Omar and Te'ame (archived with the United Nations), and has independently verified Te'ame's voice.

307. While in Metemma, Omar learned that the team led by "Doctor" had been intercepted by Ethiopian security forces near Bati and that one of them, Imam, had been injured, captured and displayed on Ethiopian television. When arrested, Imam was in possession of a Romanian-made PSL (Dragunov-type) sniper rifle that he told the Monitoring Group had been issued to him at Een. In a letter to the Monitoring Group dated 11 April 2011, the Government of Romania confirmed that it had sold the rifle and attached sniper scope to the Ministry of Defence of Eritrea in 2004 and provided supporting documentation, including an end-user certificate issued by the Government of Eritrea (see annex 8.4.d).

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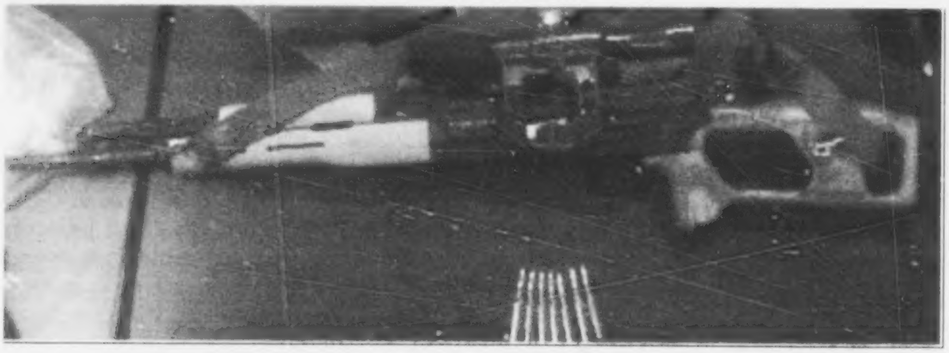
[236] Interview with Omar Idriss Mohamed, 8 March 2011.

[237] Interview with Omar Idriss Mohamed, 8 March 2011, and telephone records.

[238] Interview, May 2011. The same source told the Monitoring Group he had met with "Yahya" (also known as Omar Idriss Mohamed) during a visit to Asmara in 2010. He travelled twice to Asmara between 2010 and early 2011, where he also met OLF leaders including Dawud Ibsa.

Figure XIV

Dragunov-type PSL rifle recovered from Imam, sold to Eritrea by Romania in 2004



308. Other members of the "Doctor" team escaped and dispersed. Omar told the Monitoring Group that he immediately put the Addis operation on hold while he travelled to Bati to find and rescue the remaining team members. He was able to find only two of his team members, Ali and Abdi, who had gone into hiding in the bush near Gerba; another two had been picked up by the police. "Doctor" had been killed.

309. When Omar and the survivors returned to Addis Ababa, the African Union summit was in progress, but without a suitable vehicle and with time running out, he abandoned the African Union as a target and decided to simply attack two other venues using taxis. After the summit had ended, on the morning of 2 February 2011, together with Abdi and Fekadu, he reconnoitred the Axum Hotel and Filoha.[239] Then Omar called Musa and arranged a meeting in the afternoon to pick up the explosives and detonators. They handed over the equipment in Piazza, and Omar transferred the material to Fekadu's house.

310. The next morning, police arrested Fekadu and his associates at the house. When Omar tried contacting Fekadu and found his phone switched off, he became nervous and relocated the other team members to a new hotel.

311. The following day Omar boarded a public minibus where other passengers were talking about a police arrest of people with explosives. He avoided Fekadu's residence and told the rest of his team to move to Kombolcha to avoid capture. Then he visited Fekadu's residence, and found it empty. After a few more days in Addis, changing hotels each night and divesting himself of false documents and SIM cards, he moved to Nazret. On the way, he was arrested.

(f) Analysis

312. Only one detainee interviewed by the Monitoring Group, team leader Omar Idriss Mohamed, appears to have been in regular contact with the OLF leadership in Asmara. All other team members were isolated from OLF structures from the moment of recruitment and received all training and orders directly from Eritrean officers. According to Omar, only Dawud Ibsa, Chairman of OLF, was aware of the

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[239] Separate interviews with Omar Idriss Mohamed and Fekadu Abdisu Gusu, both on 9 March 2010.

existence of this special operation and its objectives, and he does not appear to have exercised any command or control over its actions.[240] The Monitoring Group therefore concludes that this operation was effectively an Eritrean intelligence activity, falsely flagged as an OLF initiative.

F. Somalia

313. Eritrean support to Somali armed groups dates from the 1998-2000 border conflict, when Asmara sought to open a "second front" against Ethiopia in Somalia by provision of assistance to the militia faction headed by Hussein Mohamed Farah "Aydiid", and through him to Ethiopian armed opposition groups including ONLF and OLF. Eritrean engagement in the Somali conflict was significantly enhanced in mid-2006, following the rise to power in southern Somalia of the Union of Islamic Courts (UIC), and continued through the Asmara-based Alliance for the Re-Liberation of Somalia (ARS) and Al-Shabaab, following Ethiopian military intervention in Somalia in late December 2006.

314. Eritrea has consistently denied providing military support to Somali armed groups, professing a "principled position of non-interference in the internal affairs of Somalia".[241] Lack of access to much of southern Somalia poses genuine challenges to the collection of hard evidence and eyewitness testimony. Nevertheless, new information obtained by the Monitoring Group during the course of the mandate not only confirms many previous allegations of Eritrean military involvement, but also offers firm grounds to believe that Eritrea still retains active linkages to Somali armed groups, principally through the External Operations Directorate described above. For a detailed case study on the activities of Eritrean intelligence links with Somali armed opposition groups, see annex 8.5.

1. Financial support to members of Al-Shabaab

315. Eritrean support to armed opposition groups has routinely involved cash payments to members of these groups, some of which have been documented in previous Monitoring Group reports.[242] The Government of Eritrea has in the past officially denied that it has ever "transferred cash to armed opposition group leaders or supporters".[243]

316. During the course of current mandate, the Monitoring Group has obtained documentary evidence of Eritrean payments to a number of individuals with links to Al-Shabaab. The documents obtained were received directly from the embassy of Eritrea in Nairobi, including payment vouchers marked "State of Eritrea", cash receipts marked with Tigrinya and Arabic lettering and the emblem of the State of Eritrea, and tabulated records of payments (see annex 8.5.a.).[244] Sources familiar with Eritrean embassy operations have authenticated this documentation and have

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[240] Interviews with Omar Idriss Mohamed, 8 and 9 March 2010.

[241] Letter to the Monitoring Group from the Permanent Mission of Eritrea to the United Nations, 22 August 2006.

[242] See S/2010/91, paras. 62-65.

[243] Letter to the Monitoring Group from the Permanent Mission of Eritrea to the United Nations, 2 December 2008.

[244] A sample of this documentation has been photographed and annexed, while the originals have been archived at the United Nations Secretariat.

explained that it is common practice for such illicit payments to be documented as several consular staff, including ambassadors, have been accused of embezzlement of funds and therefore strict bookkeeping is now enforced between the Government and its embassies abroad.

317. The documentation obtained by the Monitoring Group relates to the year 2008. However, sources who are currently on the payroll of the embassy of Eritrea in Nairobi have affirmed that cash is still being paid to the same Al-Shabaab-linked individuals by that embassy.[245] An Eritrean businessman, who works with the Government of Eritrea and has provided other reliable information to the Monitoring Group, has confirmed that the amount disbursed in Nairobi is roughly $80,000 per month.[246]

(a) Ugas Abdi Dahir

318. Among the individuals who appear on the payment receipts is Ugas Abdi Dahir, a former member of ARS-Asmara and currently a known Shabaab associate. Dahir is an influential Habr Gidir Ayr clan political figure, and acted as a spokesman at a press conference marking the merger between Hisb'ul Islam and Al-Shabaab on 27 December 2010 at Afgoye.[247] Two sources who know Dahir have said he is being currently used by Al-Shabaab to rally support from his Ayr clansmen.[248]

319. According to Eritrean embassy documents, in 2008, Dahir received $1,600 in cash as well as a $850 payment for a flight ticket. Sources on the payroll of the embassy of Eritrea in Nairobi say that Dahir still receives financial support from the embassy and travels on an Eritrean passport. One of the sources, a Somali, showed his own Eritrean passport stamped with fresh immigration stamps, indicating that it was still valid.[249]

(b) Mohamed Wali Sheikh Ahmed Nuur

320. Another individual who appears on Eritrean embassy financial documents is Mohamed Wali Sheikh Ahmed Nuur (also known as Ugas Mohamed Wali Sheikh), who was mentioned in the Monitoring Group's previous report as receiving payments from Eritrea on behalf of ARS-Asmara in 2009.[250] Nuur appears on the payments documentation as receiving $20,000 from the embassy of Eritrea in April 2008.

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[245] Interviews with two independent sources in Nairobi on 29 October 2010 and 17 January 2011; both sources are documented as themselves receiving cash payments from the embassy of Eritrea in Nairobi.

[246] Interview, 14 December 2010.

[247] Information provided by former ARS-Asmara official in December 2010 and former UIC general in April 2011.

[248] Interview with source on the payroll of the embassy of Eritrea in Nairobi, 18 January 2011; interview with former UIC military general, Mogadishu, 7 April 2011.

[249] The Government of Eritrea has told the Monitoring Group that only 15 Eritrean passports for Somalis were issued or renewed between November 2008 and June 2009, and that no Eritrean passports have been issued to Somalis since that date. In April 2010, Eritrea introduced a new passport, and has informed the Monitoring Group that none of these new documents have been issued to Somalis (interview with Eritrean officials in Asmara, 28 January 2011).

[250] See S/2010/91, para. 63.

321. Since the disintegration of ARS-Asmara in 2010, Nuur, whose brother Major Abdulqadir "SPM" is a senior military commander in Al-Shabaab, now operates as a political coordinator for Al-Shabaab and has travelled to the Shabaab-controlled cities of Kismaayo and Gedo in 2010.[251] According to a source who worked with Nuur as part of ARS-Asmara and who still travels to Eritrea regularly, Nuur visited Eritrea in 2010[252] and received another large cash payment from the Government of Eritrea during a visit to Asmara between November 2010 and January 2011.[253]

(c) Abdirahman Ahmed Shaakir

322. Another embassy receipt documents an April 2008 payment of $20,000 to an individual named Abdirahman Ahmed Shaakir. The documentation shows that he received a payment from the embassy of Eritrea in Nairobi worth $20,000 in April 2008. At approximately the same time, Shaakir opened an account with a Somali hawala agency in Nairobi.

323. The Monitoring Group has obtained access to documents and records relating to Shaakir's account. Most transactions are either cash deposits or withdrawals made by Shaakir himself, with the notable exception of a 10 May 2009 transfer of $1,919 to a contact named as Ali Mohamed Haashi, who collected the money from a hawala office in the Shabaab-controlled Bakaara neighbourhood of Mogadishu. The Monitoring Group inspection of records of the recipient's account indicate that the holder has also employed the names Maxamed Xaashi Cali, Mohamed Haashi Ali and Mohamed Ali Haashi when making transactions, using fake or invalid identification documents.

324. Both Shaakir and Haashi have registered contact addresses at the Hagadheera refugee camp in Kenya. On 31 January 2010, just a month after resolution 1907 (2009) was passed by the Security Council, Shaakir withdrew the balance of $1,247 from his hawala account, at its Hagadheera branch, effectively closing the account. In October 2010, Ali Mohamed Haashi travelled to Nairobi where he opened another hawala account. The account remained active until 22 March 2011, when Haashi made his last known withdrawal of $4,660, thereby emptying the account.

325. In April 2011, during the course of an interview with the Monitoring Group at Hagadheera refugee camp, Shaakir confirmed that Haashi is a close friend who travels regularly between Nairobi, Mogadishu and Somalia's Gedo region. Shaakir admitted that he is financially involved with Haashi, but denied any association with Al-Shabaab and with the Eritrean embassy, in spite of the receipt showing otherwise.[254]

326. Mobile telephones used by Shaakir, Haashi and Haashi's brother were all in contact with numbers that have appeared during the first three months of 2011 on an Al-Shabaab phone number database managed by a law enforcement agency.[255]

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[251] Interview with former UIC military general, Mogadishu, 7 April 2011, and former ARS-Asmara official, April 2011.

[252] Interview, 17 January 2011.

[253] Interview, 13 April 2011.

[254] Interview with Shaakir at Hagadheera in April 2011.

[255] The Monitoring Group has independently acquired the telephone numbers of the individuals in question.

2. Analysis

327. The documentary evidence obtained by the Monitoring Group from the embassy of Eritrea in Nairobi is only a small sample of what was physically available to the Monitoring Group. The Monitoring Group has been informed of the existence of volumes of such receipts documenting financial transfers to Somali individuals from the Eritrean embassy in Nairobi[256] but has been unable to obtain all of them. However, those documents in possession of the Monitoring Group indicate the provision of financial support and issuance of passport to members and associates of Somali armed opposition groups in 2008.[257] Additional testimonies gathered by the Monitoring Group in the course of its mandate, as well as the financial records of Shaakir and Haashi described above, indicate that such support has continued to the present, and that the embassy of Eritrea in Nairobi continues to maintain and exploit a wide network of Somali contacts, intelligence assets and agents of influence in Kenya.

G. The Sudan

328. From the mid-1990s until the signing of the Comprehensive Peace Agreement, Eritrea was one of the closest military allies of SPLM, supplying military trainers and equipment on a regular basis to SPLA. Eritrea's support to SPLA was principally channelled through the National Democratic Alliance (NDA), a coalition of political parties and armed movements opposed to the Khartoum regime, which was hosted in Eritrea. Supplies were delivered to SPLA regularly in the Eastern Sudan, where SPLA deployed military forces together with other groups that made up NDA.

329. Since 2009, however, there have been signs of strain in Eritrea's relationship with SPLM, and President Isaias Afwerki has openly alleged "corruption" within the SPLM leadership.[258] According to SPLM political figures and numerous Eritrean sources, the principle reason behind this new tension has been Eritrean alleged concern that a smooth transition to independence of Southern Sudan might lead to closer relations between Khartoum and a number of Western Governments.[259] Some SPLM officials also ascribe the growing friction in their relationship with Asmara to the close cooperation between the Southern Sudan leadership and Ethiopia.[260]

330. At the same time, there have been indications of closer cooperation between the Governments of Eritrea and the Sudan, including visits by high-level Eritrean delegations to Khartoum that have included senior military officials such as General Teklai Habteselassie (Commander of the Eritrean Air Force) and General Teklai Kifle "Manjus".[261] The appointment of a new Eritrean Ambassador to Khartoum, Mohamed Mantai, in April 2011, is also perceived as a step towards stronger relations.

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[256] Testimonies were provided by several individuals who are familiar with Eritrean embassy operations or are on the embassy payroll. Interviews with these individuals were conducted separately on 28 September, 20 October, 27 October, 28 October 2010 and 10 November 2010.

[257] The Government of Eritrea acknowledges issuing passports to Somalis until June 2008. See note 269 above.

[258] www.sudantribune.com/Eritrean-president-accuses-Sudan-s,31201.

[259] Former Sudan-based Eritrean diplomats, interviewed between September 2010 and January 2011.

[260] Senior SPLM official, Juba, 28 April 2011; senior SPLA official, Juba, 29 April 2011; senior SPLM diplomat interviewed on 1 May 2011.

[261] Interview, Khartoum, December 2010, and information from Eritrean military officer in Khartoum, April 2011.

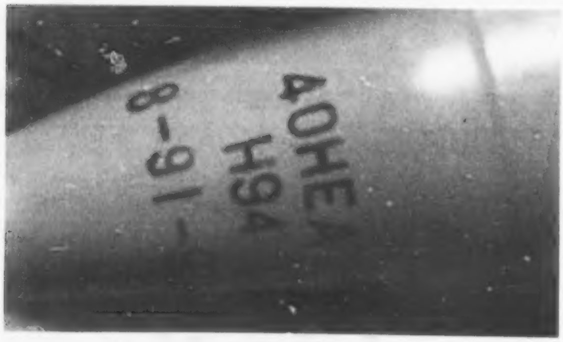
331. These political developments have coincided with accusations from SPLA and SPLM officials that Khartoum has provided military support to Lieutenant General George Athor Deng and General Peter Gadet, two former high-ranking SPLM officials who are leading an insurrection against SPLA. At least 165 people were killed in clashes in April 2011 alone in Unity and Jonglei states.[262]

332. Senior SPLM officials have shared with the Monitoring Group their suspicions that Athor and Gadet may also have Eritrean backing — an allegation strongly denied by an Eritrean official with whom the Monitoring Group has raised the issue.[263] SPLM officials have specifically referred to at least three visits by Athor to Asmara between 2010 and 2011, and have claimed to the Monitoring Group that Eritrean supplies have been captured from Athor and Gadet. However, they have yet to provide evidence and the Monitoring Group has been unable to independently verify this allegation.[264]

333. In an attempt to assess the credibility of alleged Eritrean involvement with the dissident militias, a Monitoring Group mission travelled to southern Sudan in April 2011 to inspect arms, ammunition and equipment seized by SPLA from militia forces during fighting in early 2011. The mission inspected more than 150 weapons, including Kalashnikov-pattern assault rifles, PKM general-purpose machine guns, rocket-propelled grenades, one 12.7 mm heavy machine gun, 218 anti-tank mines, a hand grenade and several containers of ammunition. The Monitoring Group has sent out multiple tracing requests to establish the origin and chain of custody of this equipment.

334. Among the confiscated items were several Chinese-produced Type-69 rocket-propelled grenades bearing the serial number "8-91-93" (see fig. XV below). This make and lot number are identical to several of the rocket-propelled grenades supplied by Eritrea to the ONLF "Alanside Force" and inspected by the Monitoring Group in Hargeysa in October 2010 (see the case study on ONLF in annex 8.3). China has told the Monitoring Group that it no longer possesses any sales records for these rocket-propelled grenades.[265]

Figure XV
Image of markings on rocket-propelled grenade recovered from Athor's militia



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[262] www.reuters.com/article/2011/04/26/ozatp-sudan-violence-idAFJOE73P00W20110426.

[263] Interview, April 2011.

[264] Interviews with SPLA military intelligence officers and SPLM officials, April 2011.

[265] The Monitoring Group sent a letter to China on 15 November 2010 to request details on the sale of the items. In its response dated 14 January 2011, China stated that "no further information can be provided because the factory producing the weapons was closed down a long time ago".

Analysis

335. The presence of "8-91-93" rocket-propelled grenades in both Athor's and the ONLF stocks would appear to indicate that the Governments of the Sudan and Eritrea share a military logistical relationship. However, it is not possible to conclude, on the basis of this limited evidence, that Eritrea has provided direct military assistance to groups engaged in the destabilization of southern Sudan in violation of resolution 1907 (2009). It is recommended that the Monitoring Group continue to monitor developments closely.

VIII. Violations of the arms embargo

A. Arms imports and external military assistance*

336. The Monitoring Group has received credible, independent reports indicating that Eritrea has continued to procure arms and receive technical assistance since the imposition of Security Council resolution 1907 (2009).

337. Since the visit of General Habteselassie and Yemane Tesfay to Ukraine in late 2009 (see para. 370 below for details), the Monitoring Group believes that Eritrea has received arms and ammunition by sea, and has also received foreign technical assistance and spare parts for the maintenance of military aircraft. The Monitoring Group has not been able to determine, however, whether any foreign government is directly involved in any deliberate violation of the arms embargo on Eritrea in this regard.

338. Likewise, the Monitoring Group has obtained multiple, credible reports of military cooperation between Eritrea and the Islamic Republic of Iran in 2009. Although the Monitoring Group has been able to confirm that contacts between Eritrean and Iranian military officials have continued since the passage of resolution 1907 (2009), as well as visits to Eritrea by Iranian diplomatic and military personnel, it has not been able to determine whether these activities involve violations of the sanctions regime. Considering the history of military cooperation between the two countries immediately prior to resolution 1907 (2009), the Monitoring Group believes that the Committee, with the assistance of the Monitoring Group, should continue to monitor this relationship closely. For a summary of findings to date, see annex 9.1.

339. Some foreign Governments provide direct financial support to the Government of Eritrea, some of which may be applied towards military purposes. Qatar and the Libyan Arab Jamahiriya have reportedly been two of Eritrea's most important economic partners in the recent past. Qatari officials have acknowledged to numerous foreign diplomats that their Government has provided significant, direct financial support to the Government in Asmara, without attaching a figure. The Libyan Arab Jamahiriya has also long been a patron of the Eritrean leadership,

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* In paragraph 5 of its resolution 1907 (2009), the Security Council decided that "all Member States shall immediately take the necessary measures to prevent the sale or supply to Eritrea by their nationals or from their territories or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and technical assistance, training, financial and other assistance, related to the military activities or to the provision, manufacture, maintenance or use of these items, whether or not originating in their territories".

contributing both direct financial support and in-kind contributions including, allegedly, petroleum products. The Monitoring Group has found no evidence that either Government has violated the sanctions regime, but believes that strict conditions should be attached to such assistance to ensure that funds are not diverted to military purposes.

Delivery of weapons to the port of Massawa

340. The Monitoring Group has obtained multiple and credible independent testimonies and persuasive circumstantial evidence relating to a suspected delivery of weapons by a maritime vessel to the port of Massawa on 19 November 2010.

341. A serving member of the Eritrean Defence Force described the consignment as comprising 99 12.7-mm heavy machine guns, 12 60-mm mortars, 36 82-mm mortars, 48 anti-tank wire-guided missiles and 29 sniper rifles. According to the same source, the coordinator of this operation was Admiral Humed Karekare, the chief of naval staff of the Eritrean Defence Force.[266]

342. Two other sources familiar with the consignment separately and independently provided the same date of delivery (19 November 2010), stating that the military cleared a section of the port of unauthorized personnel and restricted access and movements within the port on that date.[267] A third source at Massawa confirmed that movement in the port area was restricted between 19 and 20 November 2010.[268]

343. The Monitoring Group requested information from the Government of Eritrea of all vessels docked at or anchored off the port of Massawa between 18 and 22 November 2010[269] and received a response specifying that only one vessel had visited the port of Massawa during that period, namely the MV *Dorrat Jeddah*, a Saudi Arabian flagged, owned and operated "Ro-Ro" vessel, which arrived in Massawa from Jeddah, Saudi Arabia, on 19 November 2010, carrying construction equipment, foodstuffs and household equipment.[270] Two of the Monitoring Group's sources above had confirmed that such a vessel did indeed arrive on that day, and provided that information before the response by the Government of Eritrea.[271] However, the Monitoring Group has firm evidence of at least two other vessels that were present in the port of Massawa on 19 November 2010.

344. One of the vessels in Massawa on 19 November 2010 was the MV *Nizar M*, a Georgian-flagged general cargo vessel owned by a company registered in Panama

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[266] Information provided by active Eritrean Defence Force contact on 24 November 2010 through a former Eritrean military general and Eritrean military commando.

[267] Information received from source with active Government of Eritrea contacts on 28 November 2010 and from separate source with active Government contacts on 4 December 2010.

[268] Interview, January 2011.

[269] Letter from the Monitoring Group to Permanent Mission of Eritrea to the United Nations on 18 February 2011.

[270] Response from Permanent Mission of Eritrea to the United Nations to the Monitoring Group, 17 May 2011.

[271] Military source provided information in January 2011 that a vessel had arrived at Massawa on 19 November 2010 from Jeddah. Source at Massawa specifically named the MV *Dorrat Jeddah* as arriving on 19 November, and provided this information in May 2011, days before the official response of the Government of Eritrea.

and managed by a company registered in the Syrian Arab Republic.[272] Signals data indicate that the vessel was 16.8 nautical miles off the coast of Massawa at 0824 hrs on 19 November 2010.[273] The ship was also sighted at Massawa on 19 November 2010.[274] The next signal available was 57.4 nautical miles off the port of Assab at 0716 hrs on 20 November.[275] The Monitoring Group has attempted to make further inquiries but has received poor cooperation from Member States.[276]

345. The Monitoring Group has seen photographic evidence showing that a third vessel, MV *Ryu Gyong*, a Democratic People's Republic of Korea flagged, owned and operated general cargo ship, was docked in the port of Massawa on 19 November 2010.[277] The MV *Ryu Gyong* does not appear on any available signals data between 24 September 2010, when it left Kandla, India, and 22 January 2011, when it arrived in Batangas, Philippines.[278]

346. The MV *Ryu Gyong* belongs to the Korea Sinhung Shipping Company, which also owns the MV *Hyang Ro Bong*. According to documentation obtained by the Monitoring Group, the MV *Hyang Ro Bong* visited Somalia in December 2010, where it delivered 6,000 tons of cement and 800 tons of rice bags from Karachi to the port of Mogadishu before proceeding to the Al-Shabaab-controlled port of Kismaayo.[279] The Monitoring Group has also received credible information that the MV *Hyang Ro Bong* also visited the Shabaab-controlled port of Baraawe in January 2011[280] and the port of Massawa in August 2010.[281] While the Monitoring Group does not have specific evidence that the movements of this vessel were linked to a violation of the sanctions regime, it considers them to be of a suspicious nature and to merit further monitoring.

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[272] Response from Ministry of Interior, Georgia, 15 March 2010. According to this response the Panama registered company is Tala Maritime Corp., and the Syrian management company is Rayah Maritime Services Group. The ownership documents from Panama, provided by Georgia, are barely legible but have been clarified by documentation provided by TransArms USA, an independent research organization. This document clearly lists the directors of Tala Maritime Corporation as Soubhi Mohammed Koussa, Kholoud Khaled Youzbashi and Ibrahim Moustafa Abou Hassanin. See annex 9.2.

[273] Data from Lloyds List Intelligence.

[274] Information provided by sources at Massawa, January 2011.

[275] Data from Lloyds List Intelligence.

[276] The Monitoring Group was informed by the Government of Georgia that the vessel was struck from its registry in February 2011. Neither Panama nor the Syrian Arab Republic has responded to the Monitoring Group's requests for documentation relating to the vessel's movements and cargo. The Monitoring Group has also requested information from the United Republic of Tanzania, whose flag the vessel is now carrying, but has received no information. The Government of Eritrea did not fully respond to the Monitoring Group's request for details of all vessels docked at or anchored off the coast of Massawa between 18 and 22 November 2010.

[277] Verified by a source whom the Monitoring Group has confirmed to have been present in Massawa on 19 November 2010. The photo of the *Ryu Gyong* has been archived at the United Nations and is not being displayed in this report for the protection of the source.

[278] Lloyds List Intelligence.

[279] See annex 9.3 for statement of fact from Kafi Holdings, consignee of the shipment to Mogadishu. On 6 April 2011, the Monitoring Group was also shown additional documentation at Mogadishu port showing that the *Hyang Ro Bong* was due to travel on to Kismaayo, and detailing the official cargo.

[280] Information received from military source on 28 January 2011.

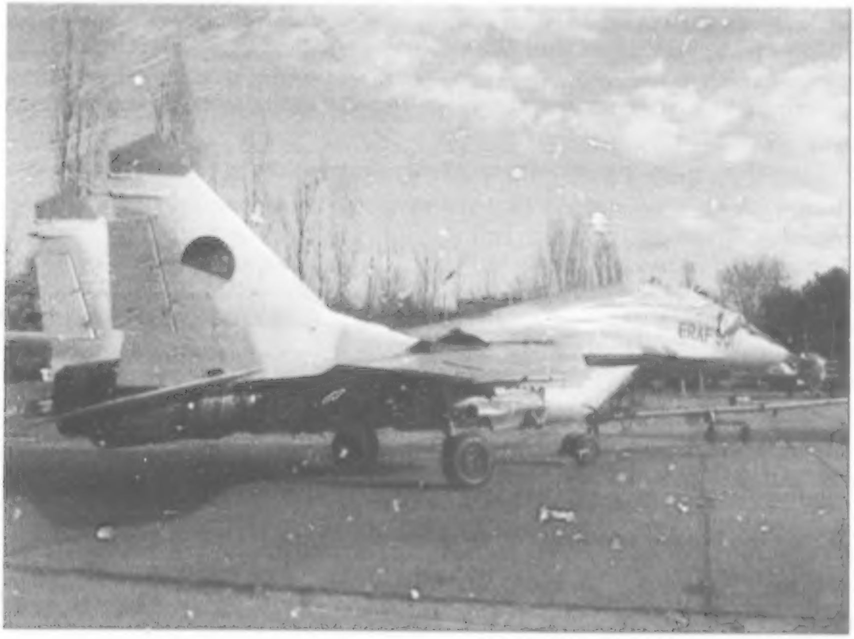
[281] Verified by a source whom the Monitoring Group has confirmed to have been present in Massawa on 19 November 2010. The photo of the *Ryu Gyong* has been archived at the United Nations and is not being displayed in this report for the protection of the source.

Maintenance of Eritrean military aircraft

347. The Eritrean Air Force, a 1,000-strong force, is currently operating four to six Sukhoi Su-27 "Flanker" jet fighters purchased in Ukraine, which the Monitoring Group believes to have been delivered to Eritrea in 2003.[282] According to confidential information received from a source working in Eritrea, the Eritrean Su-27 aircraft are maintained by a Ukrainian state-owned company. It is the assessment of the Monitoring Group that this company operates within the "AviaRemontny Zavod VVO 713" aircraft maintenance facilities in Zaporozhye, Ukraine, where two of the above-mentioned Eritrean Su-27 aircraft, bearing registration numbers 608 and 609, were spotted at an unknown date (see annex 10.1).

348. The Eritrean Air Force is also operating five to seven Mikoyan-Gourevitch Mig-29, including two Mig-29UB "Fulcrum-B" training model, delivered by the Russian Federation to Eritrea in 1998, 2001 and 2004.[283] Information received from a military source indicates that Eritrea signed a contract for the maintenance of its fleet of Mig-29 with a branch of the Russian aircraft corporation MIG. The latter would be located within the "AviaRemontny Zavod VVS 275" aircraft maintenance complex in Krasnodar, Russian Federation. The Monitoring Group also confirmed that two pictures of an Eritrean Mig-29 bearing registration ERAF 501, posted on February 2010 on a military aviation-related Russian website,[284] were taken in Krasnodar.

Figure XVI
Eritrean Mig-29 at Krasnodar, Russian Federation



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[282] See Stockholm International Peace Research Institute (SIPRI) Arms Transfers Database, "Eritrea: trade register 1993-2010", April 2011.

[283] Ibid.

[284] Accessed at http://forums.airforce.ru/showthread.php?p=54301#post54301 on 4 May 2011.

349. Furthermore, according to Jane's review and updated information received by the Monitoring Group on 6 May 2011, seven Valmet L90TP RediGO trainer aircraft, of a total of eight delivered by Finland in 1994, are still in service. In addition, half of the six Aermacchi MB-339CE fighters delivered by Italy in 1998 should still be operational.

350. Lastly, according to SIPRI and Jane's data, the Eritrean Air Force also has a fleet of four to five transport Moscow Helicopter Plant Mil Mi-8/17 "Hip" and two to four attack Mil Mi-24 "Hind" (A and D versions), both models purchased from the Russian Federation respectively in 1996 and 1998, and four Bell-412 helicopters delivered by Italy in 2000.

351. It is the assessment of the Monitoring Group that the Eritrean Air Force is currently operating a fleet of at least 10 helicopters and 22 fighters from six different manufacturers. Diplomatic sources in Asmara observed a "dramatic" increase in Eritrean Air Force flights early in 2011, especially the Mi-8 helicopters. The fleet requires regular and high-level maintenance operations by trained personnel with specific and high-tech maintenance equipment, capacity for intermediate and minor repairs, and access to spare parts supply. Diplomatic sources in Asmara have told the Monitoring Group that in early military aircraft maintenance was being taught by Ukrainian instructors at Eritrea's Mai Nefi technical institute, but this could not be independently confirmed by the Monitoring Group.

352. The Monitoring Group could not independently verify whether aircraft maintenance contracts were still in effect in 2010 and 2011. In replies to Monitoring Group requests, the Governments of Ukraine and the Russian Federation denied any ongoing contracts with Eritrea.[285] Two letters sent to the Government of Eritrea requesting precision about these services in potential violation of the arms embargo were unanswered.[286]

353. In a letter dated 5 April 2010, the Permanent Representative of Belarus to the United Nations acknowledged the existence until December 2009 of a contract between a Belarusian company called "558 Aircraft Repair Plant"[287] and the Government of Eritrea. According to Belarus, "all relevant activities in Eritrea were completely stopped" and "all employees involved returned to Belarus". For that matter, the Monitoring Group has noted that Ilyushin Il-76 cargo flights from Minsk, Belarus, to Massawa, Eritrea, operated by Trans Avia Export Cargo, have stopped since July 2009.

354. The Government of Eritrea also owns and operates a number of small civilian transport aircraft, including some with short take-off and landing capability. This fleet includes five Dornier Do 28D Skyservant and four Yakovlev Yak-12 "Shengyang", purchased respectively from Germany and China in 1994,[288] and one Pilatus PC-6/B2-H4 Turbo Porter designed for aerial photography, acquired in Switzerland in June 2010 and bearing registration E3-AAS (see annex 10.2).

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[285] Replies received from Ukrspecexport on 5 May 2011 and from the Permanent Representative of the Russian Federation on 6 May 2011.

[286] Letters dated 8 April and 15 April 2011.

[287] AviaRemontny Zavod VVS 558, located in Baranovichi, Belarus, and specialized in Su-27 and Mig-29 maintenance.

[288] SIPRI Arms Transfers Database, "Eritrea: trade register 1993-2010", April 2011.

Protection Vessels International Ltd.

355. On 17 December 2010, a vessel named the Sea Scorpion, owned and operated by Protection Vessels International Ltd., a United Kingdom-based private maritime security company established in 2008, entered Eritrean territorial waters with security personnel, weapons and equipment. A rigid-hulled inflatable boat deployed from the vessel deposited the weapons and equipment on a small island in Eritrean waters before proceeding to Massawa. The Eritrean authorities subsequently seized the vessel and detained the crew, apparently because of a payment dispute, but at the time of writing had not yet pressed formal charges or provided consular access to United Kingdom Government officials. In meetings with Eritrean officials in Asmara in February 2011, the Monitoring Group requested additional information, but has received no reply.

356. While there appears to be little doubt that a violation of the arms embargo took place, the Monitoring Group's assessment is that the weapons on board the Sea Scorpion were intended for use by Protection Vessels International counter-piracy security escorts, not for delivery to Eritrea (see annex 6.5 for a case study on Protection Vessels International).

B. Exports of arms and ammunition*

357. In addition to Eritrea's military support to armed opposition groups throughout the region, as documented in section VII above, the Monitoring Group has established that senior Government of Eritrea officials are also involved in arms trafficking through the Sudan and Egypt, and has obtained independent eyewitness testimonies, as well as intelligence reports, of several such incidents taking place between 2008 and 2011. Although some of the incidents described in the present section predate the passage of Security Council resolution 1907 (2009), they establish a pattern of Eritrean arms trafficking activities that continues to the present day.

358. Arms trafficking from western Eritrea is just one component of a much broader, and highly profitable, smuggling operation overseen by General Teklai Kifle "Manjus", Commander of the western military zone (see also paras. 262 and 330 above and 362, 416 and 420 below). His principal Sudanese counterpart in this cross-border activity is Mabrouk Mubarak Salim, the current Minister of State for Transport of the Sudan, who is also a wealthy merchant and former leader of the now defunct "Free Lions" rebel group that once formed part of the Sudanese "Eastern Front" opposition alliance supported by Eritrea. Salim, an ethnic Rashaida, works closely with other well-established Rashaida smugglers, who operate with the full knowledge of Government officials on both sides of the border.[289]

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* In paragraph 6 of its resolution 1907 (2009), the Security Council decided that "Eritrea shall not supply, sell or transfer directly or indirectly from its territory or by its nationals or using its flag vessels or aircraft any arms or related materiel, and that all Member States shall prohibit the procurement of the items, training and assistance described in paragraph 5 above from Eritrea by their nationals, or using their flag vessels or aircraft, whether or not originating in the territory of Eritrea".

[289] The Monitoring Group obtained this information from mutually corroborating interviews with (a) two former Eritrean diplomats based in Khartoum, January 2011; (b) a Sudanese former member of the Eastern Front, December 2010; (c) a Sudanese diplomat based in Asmara, January 2011; and (d) a former associate of Mr. Mubarak, March 2011.

359. In January and February 2009, according to a senior Egyptian intelligence officer, convoys carrying weapons that attempted to infiltrate into Egypt from the Sudan in January and February 2009 were attacked by unmanned aerial vehicles in what he (and other diplomatic sources) described to the Monitoring Group as a joint Egyptian-Israeli operation.[290] This account was corroborated by a Sudanese eyewitness interviewed by the Monitoring Group, who learned from one of the drivers of the convoys that the smuggling operation had been organized by individuals claiming to be acting under the instructions of Mabrouk Mubarak Salim.[291] The driver, as well as other Eritrean sources interviewed by the Monitoring Group in eastern Sudan, have confirmed that families of Rashaida tribesmen killed in the attack were compensated by the Government of Eritrea.[292]

360. On 28 March 2009, according to a former Eritrean military officer with current contacts within the Eritrean Defence Force, a convoy comprising ethnic Rashaida drivers, a Palestinian individual and Lebanese passengers travelled in convoy from Aswan in Egypt towards Sinai. The convoy carried 45 anti-tank weapons and 25 surface-to-air missiles in addition to personal weapons used by the guards of the convoy.[293] The source told the Monitoring Group that the convoy was led by an Eritrean military officer trained in the Syrian Arab Republic.[294] Multiple sources interviewed by the Monitoring Group have independently confirmed that Eritrea retains a number of military officers either based in the Syrian Arab Republic or trained in that country.[295]

361. On 7 February 2011, a fighter from a Sudanese armed group once supported by Eritrea witnessed the passing of a similar convoy at the Sudanese-Egyptian border near the town of Hala'ib. The convoy was made up of approximately 20 four-wheel drive vehicles split into three groups and driving several kilometres away from each other, all without number plates. The individuals on board appeared to be a mix of Rashaida and Middle Easterners, and many of them were armed with personal weapons.[296]

362. An Eritrean source, who claims to have long been engaged in people smuggling activities on behalf of General Teklai Kifle "Manjus" (see paras. 421-424 below), told the Monitoring Group that he was first deployed into Egypt in a convoy carrying weapons in 2008. According to the source, his contacts confirm that Eritrean agents based in Egypt were continuing to coordinate routine trafficking of people and arms via Sinai in 2011.[297]

363. In order to further pursue this line of enquiry, the Monitoring Group has asked the Egyptian authorities for additional details relating to interdiction of such smuggling activities, including media reports of a convoy reportedly attacked by

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[290] Interview in Khartoum, December 2010. The incident was widely reported in the media. See, for example, www.timesonline.co.uk/tol/news/world/middle_east/article6122337.ece.

[291] Interview in Khartoum, December 2010.

[292] Interviews, September 2010 and December 2010.

[293] Information from Eritrea decrypted and transmitted to the Group in person in January 2011.

[294] Information from Eritrea decoded and transmitted to the Group in person in January 2011.

[295] Interviews with a former Eritrean military general, a former Eritrean diplomat and a former Eritrean intelligence agent between October 2010 and January 2011.

[296] Information first obtained by the Group on 14 February 2011, and again in more depth in March 2011.

[297] Interview with source based in Egypt in March 2011.

Egyptian forces in March 2011,[298] but had yet [illegible]ve a response at the time of the submission of the present report.

X. Financing in support of violations of resolution 1907 (2009)*

364. Reliable data on the Eritrean economy are extremely difficult to obtain. UNDP has not been able to include Eritrea in its latest human development index, published in 2010, owing to a lack of internationally verifiable data.[299] The International Monetary Fund classifies Eritrea as one of the least developed countries in the world, with an estimated GDP per capita of only $331 for 2008 and an average growth rate of -0.9 per cent between 2000 and 2009. The national economy is prone to serious exogenous shocks and high inflation, while the Government has serviced an annual trade deficit since 2005 that ranges between 15 and 25 per cent, and a public debt bill that is roughly 150 per cent. Since 2007, Eritrea has begun to incur external payment arrears with bilateral creditors. Gold mining production, which started to come on stream late in 2010 from the Bisha concession, may improve official Eritrean finances.

365. In spite of its relative poverty, Eritrea has long acted — and, in the assessment of the Monitoring Group, continues to act — as a patron of armed opposition groups throughout the region, and even beyond.[300] This apparent contradiction is explained by a vast and complex informal economy through which senior officials in the Government and PFDJ collect and control hundreds of millions of dollars each year in unofficial revenues, largely from taxation of Eritreans in the diaspora and private business arrangements involving PFDJ-run companies or business partnerships abroad.

366. On the basis of information obtained in the course of the current mandate, the Monitoring Group is able to conclude that covert financial activities in support of armed embargo violations are financed principally through this extensive, offshore and largely illicit financial apparatus, controlled and operated by intelligence, military and party officials, many of them operating in an "unofficial" capacity.

A. Financing of military procurement

367. Military procurement has historically been conducted through both official Eritrean State channels and informal PFDJ-affiliated networks. Financially, however, the distinction between party and State has easily — and at times, deliberately — become blurred. The Government of Eritrea declined to discuss its

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[298] http://af.reuters.com/article/egyptNews/idAFLDE72D0VP20110314, viewed on 14 March 2011.

* In paragraph 19 (b) of its resolution 1907 (2009), the Security Council states that the Monitoring Group may consider any information relevant to implementation of paragraphs 16 and 17 of the resolution that should be brought to the attention of the Committee.

[299] Fourteen countries, namely Antigua and Barbuda, Bhutan, Cuba, Dominica, Eritrea, Grenada, Lebanon, Oman, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Seychelles and Vanuatu, as well as the occupied Palestinian territories, have been dropped from the human development index owing to a lack of internationally compiled and verified data. Many of these countries are offshore financial havens.

[300] There is considerable evidence, for example, that between 1999 and 2008, Eritrea hosted elements of the Tamil Tigers of Sri Lanka, and facilitated military assistance.

military procurement practices with the Monitoring Group, and records of transactions are difficult to obtain.

368. The involvement of PFDJ officials in military procurement does not appear to be a new development. Credible sources interviewed by the Monitoring Group claim that Hagos Gebrehiwot Maesho (also known as Hagos "Kisha") has in the past been involved in the procurement of military equipment, specifically alleging that he was involved in the purchase of fighter jets prior to the adoption of resolution 1907 (2009).[301] The Monitoring Group asked to meet with Mr. Gebrehiwot during missions to Asmara in September 2010 and again in January 2011, in part to obtain his response to these allegations, but this request was formally declined by the Government of Eritrea.[302]

369. The manager of the Commercial Bank of Eritrea, Yemane Tesfay, confirmed to the Monitoring Group that Mr. Gebrehiwot used to participate in decisions of a "hard currency oversight board" concerning the allocation of hard currency, and has exercised sole discretion over such decisions since the last meeting of the board in 2009.[303] Since significant hard currency transactions are essential for the procurement of foreign military goods and services, there appears to be little doubt that party resources, and the personal involvement of the chief of the economic department of PFDJ, have played a role in such transactions.

370. During a September 2010 interview with the Monitoring Group, Mr. Tesfay denied that his bank was engaged in any procurement activities for the Eritrean Defence Forces.[304] In a follow-up interview in January 2011, however, he acknowledged that he had travelled to Ukraine in December 2009 as part of a delegation led by General Teklai Habteselassie, the commander of Eritrea's air force, in order to assist with the financial aspects of any contracts that might be signed — implying that the purpose of the mission did involve military procurement.[305] He told the Monitoring Group that he had been acting in his personal capacity, not as a representative of the Commercial Bank of Eritrea, and insisted that no transactions had taken place.[306]

371. Other senior officials who appear to personify the blurring of State, party and private roles in this regard include Colonel Weldu Gheresus Barya, commander of what is commonly referred to as the "mechanized brigade" of the Eritrean Defence Forces, and Brigadier General Te'ame Abraha Kinfu of the National Security Office. Colonel Barya reportedly controls a large share of spare part, vehicle and machinery

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[301] Interview in August 2010 and in Amsterdam, January 2011.

[302] Monitoring Group letter to the Permanent Representative of Eritrea, 7 January 2011. See annex 12.

[303] Interview at Commercial Bank of Eritrea, 24 January 2010. Mr. Tesfay was once a member of the "Brigade 72", a military intelligence unit, and was deployed to the Sudan during the Eritrean liberation war in the mid-1980s when that unit was engaged in the laundering of counterfeit United States dollar bills (see para. 404 below) as part of efforts to raise finances for the liberation army (based on separate interviews with various former Eritrean officials, September 2010).

[304] Interview at Commercial Bank of Eritrea, 15 September 2010.

[305] The Government declined the Monitoring Group's request of 7 January 2011 to meet with General Habteselassie and other senior Government officials. See paragraph 367 above and annex 12.

[306] Interview at Commercial Bank of Eritrea headquarters in January 2011. Mr. Tesfay was unable to recall what sort of contracts he had been invited to provide advice on, whom he met or any entities he visited while in Ukraine.

imports to Eritrea, some of which can be used in the maintenance of military vehicles and other equipment. General Te'ame Abraha (also known as Meqelle) is believed to have established a new construction company, Horn Construction, which is now operational in Eritrea.[307]

B. Structure and control of finances: Eritrea's formal and informal economic systems

372. In line with its mandate to investigate financial support of arms embargo violations committed by the Government of Eritrea in Somalia and the wider region, the Monitoring Group has gathered information from over two dozen Eritrean sources with first-hand knowledge of PFDJ and Government of Eritrea financial structures, as well as members of armed opposition groups in the region who have previously received financial and logistical support from the Government of Eritrea.

373. Essentially, Eritrea manages two parallel economies: a formal economic sphere ostensibly managed by the State, and an opaque, largely offshore financial system controlled by elements of the ruling party and their supporters. According to Government officials, the formal economic system involves transactions almost exclusively in nakfa, the non-convertible Eritrean national currency, and is characterized by a chronic hard currency deficit that theoretically curbs Eritrea's ability to provide financial support to foreign-armed groups.

374. The informal, PFDJ-controlled economy is in many respects a legacy of the financial organization of EPLF during the liberation struggle. It involves a much higher proportion of hard currency transactions than the formal economy and is managed almost entirely offshore through a labyrinthine multinational network of companies, individuals and bank accounts, many of which do not declare any affiliation to PFDJ or the Eritrean State, and routinely engage in "grey" or illicit activities. Although it is impossible to obtain reliable figures about the size of this informal economy, it is apparently more than sufficient to enable the kinds of external operations described in the present report.

375. Official control of the Eritrean economy is exercised by two main institutions, the Ministry of Finance and the Bank of Eritrea, both of which experience a chronic deficit of hard currency. In September 2010, the Manager of the Commercial Bank of Eritrea, Yemane Tesfay, told the Monitoring Group that Eritrea held no foreign currency reserves to speak of, that 95 per cent of deposits with the Bank were held in nakfa, and that "the Bank of Eritrea would manage hard currency reserves if Eritrea had any, but it doesn't".[308]

376. Hard currency deposits, such as they exist, are officially managed by a hard currency oversight board comprising representatives of the Ministry of National Development, the Ministry of Finance, the Bank of Eritrea, the Commercial Bank of Eritrea and the Director of the PFDJ Economic Affairs Department, Hagos Gebrehiwot (also known as Hagos "Kisha").[309] In January 2011, however, the Manager of the Commercial Bank of Eritrea told the Monitoring Group that the board had not met since 2009, and that decisions concerning the allocation of hard

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[307] Interviews with Eritrean businessmen who operate in Eritrea, September 2010 and December 2010.

[308] Interview with Yemane Tesfay, Asmara, 14 September 2010.

[309] Explanation offered to the Group in September 2010 by Yemane Tesfay.

currency resources were in fact made by the Director of the PFDJ Economic Affairs Department.[310] This implies that that Department exercises de facto control over the hard currency raised by Eritrean embassies abroad from diaspora taxes, as well as revenues generated by commercial attachés at foreign embassies who handle transactions on behalf of PFDJ-controlled enterprises.[311]

377. Institutional opacity in the handling of hard currency has empowered Mr. Gebrehiwot and Mr. Tesfay. According to several former Eritrean Government officials involved in finance and intelligence operations, Mr. Gebrehiwot is the overall financial coordinator of all hard currency operations relating to Eritrea's procurement activities, including support to armed groups in the region, while Mr. Tesfay (who was once an officer in "Brigade 72", a military intelligence unit of EPLF) provides technical advice in support of financial operations overseen by Mr. Gebrehiwot.[312]

C. Red Sea Corporation and other businesses owned by the People's Front for Democracy and Justice

378. PFDJ-owned companies are one of the principal sources of revenue for the ruling party and, by extension, the Eritrean State. The most important of these is the Red Sea Corporation, originally established as a covert finance operation known as "09" which traded throughout Africa and the Middle East to raise finances for the Eritrean liberation struggle.[313] Today, the Red Sea Corporation is a party-owned trading company with an official mandate to import basic foodstuffs, which it sells at fixed prices. According to company officials, the company's procurement is principally conducted through Mehari Woldeselassie, Commercial Attaché at the Eritrean consulate in Dubai, and by Ericommerce,[314] an Eritrean trading company in London, which also handles diaspora remittances and which banks at NatWest Bank and at First International Merchant Bank, Malta.[315]

379. The Monitoring Group has obtained a list of various PFDJ-linked engineering and construction companies, including Ghedem Construction, Segen Construction, GHEDECC, As.Be.Co, Rodab Share Company, BDHO Share Company and Debaat Eritrea Bldg, some of which operate abroad.[316] The Monitoring Group has also

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[310] Interview with Yemane Tesfay, Asmara, 25 January 2011.

[311] The Monitoring Group requested the opportunity to interview the Chief of the PFDJ Economic Affairs Department in January 2011 in order to verify this information, but was not granted permission to do so. The Government of Eritrea instead arranged a meeting with the managers of the PFDJ-owned Red Sea Corporation on the understanding that they could answer questions on behalf of the PFDJ Economic Affairs Department, but the managers told the Monitoring Group that they were not qualified or authorized to do so.

[312] According to former Eritrean intelligence officials and diplomats interviewed in August and September 2010.

[313] Interview with former National Security official who worked alongside Red Sea Corporation, August 2010.

[314] Interview with Red Sea Corporation officials in Asmara, January 2011.

[315] Information on Ericommerce banking networks provided by former Ericommerce employee, April 2011. According to company records and a former employee of Ericommerce, the company is jointly held by Mr. Amanuel Aman Woldesium, Dr. Tewolde Woldekidan and the Red Sea Corporation.

[316] Information provided by diplomatic source in Asmara, September 2010, and from former Eritrean intelligence and finance officials.

learned that the PFDJ Economic Affairs Department controls a number of foreign companies and offshore bank accounts registered in the name of Eritrean individuals with dual citizenship, rather than in the name of the party.

380. PFDJ companies tend to bank at the Housing and Commerce Bank in Eritrea, which is itself party-owned and has correspondent bank accounts at Citibank New York, DZ Bank, Commerzbank and BNL in the United States, Germany and Italy.[317]

D. Diaspora taxes and remittances

381. Probably the most significant source of revenue for PFDJ is the excise of a 2 per cent income tax on Eritrean nationals living abroad.[318] An estimated 1.2 million Eritreans — or 25 per cent of the total population — live in the diaspora,[319] with the most important concentrations in North America, Europe and the Middle East. According to estimates by various national law enforcement officers, Eritrean eyewitnesses and former Eritrean Government agents in the diaspora, the Government of Eritrea is estimated to raise tens — and possibly hundreds — of millions of dollars on an annual basis.

382. Justifications for the tax vary. A senior Eritrean official described it to the Monitoring Group as a land tax for expatriate Eritreans or dual nationals who own land or property in their homeland.[320] Numerous Eritrean expatriates in different countries have described it to the Monitoring Group as a "consular service". For example, any Eritrean citizen seeking to renew a passport or Eritrean holders of foreign passports requesting a visa to visit Eritrea must produce documentation of their tax payments in their host country.[321] On this basis, the 2 per cent tax is calculated and the individual is obliged to make payment, in the form of cheque or money order, into an account controlled by the local Eritrean embassy. Individuals who have not required "consular services" for several years are nevertheless required to pay "arrears" for years in which the tax was not paid.

383. Those unwilling to pay these taxes may have entry rights into Eritrea denied, property in Eritrea seized or family members in Eritrea harassed. In cases where host country documentation is considered to be unreliable, unofficial Eritrean embassy or party officials may monitor the activities of the Eritrean diaspora communities in order to assess their income and degree of compliance.

384. Monitoring Group interviews with former PFDJ and Government of Eritrea finance officials indicate that these hard currency deposits are managed by PFDJ, under the direction of Hagos Gebrehiwot, and not through State institutions such as the Bank of Eritrea, the Commercial Bank of Eritrea, the Ministry of Finance or the Treasury. Taxes collected this way are remitted to the accounts of different Eritrean embassies abroad and thereafter transferred from embassy account to embassy

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[317] Interview with officials of Housing and Commerce Bank, Asmara, September 2010.

[318] The tax has allegedly been increased to 3 per cent, according to some sources.

[319] International Monetary Fund estimate, 2009, from "IMF Executive Board Concludes 2009 Article IV Consultation with the State of Eritrea", 30 November 2009.

[320] Interview with Eritrean official, April 2011.

[321] Tax records are considered a more reliable indicator of income than statements of earnings, which may be partial or understated.

account, depending on operational needs, or transferred to privately held offshore accounts.[322]

385. The PFDJ Economic Affairs Department also controls millions of dollars in hard currency in the form of remittances deposited by members of the Eritrean diaspora sending money home to family and friends in Eritrea. Remittance deposits are made through Himbol, a PFDJ-controlled wire transfer company that maintains offices — both official and unofficial — at Eritrean embassies and community centres abroad, and which uses international wire agencies as agents to affect transfers.

386. Hard currency remittances accumulate in Himbol and embassy bank accounts outside Eritrea, while recipients in Eritrea receive disbursements in local nakfa currency. Since Himbol is a PFDJ-owned company, the hard currency deposits abroad can be managed by the Economic Affairs Department of PFDJ as it sees fit. As with taxation receipts collected in embassy accounts, this money is either transferred to PFDJ-controlled accounts held in correspondent banks, moved to (official or unofficial) embassy accounts, or disbursed as cash for transfer in diplomatic pouch by Eritrean "diplomatic" couriers.[323]

387. Although Eritrea is not alone in imposing extraterritorial tax obligations on its citizens, there are some unique aspects of the manner in which this policy is implemented. First, the tax may be applied to foreign nationals of Eritrean origin, regardless of whether they maintain dual nationality. The tax is routinely collected by diplomats at Eritrean missions abroad, a practice that arguably violates the Vienna Convention on Consular Relations. In locations where Eritrea lacks diplomatic or consular representation, the tax is often collected informally by party agents or community activists whose activities may, in some jurisdictions, be considered a form of extortion.

E. Fund-raising and mobilization by the People's Front for Democracy and Justice in the diaspora

388. Millions of dollars are raised by PFDJ on an annual basis from social and political events in the Eritrean diaspora, which may also serve as platforms for fund-raising by the party. PFDJ chapters in Sweden, the United Kingdom, the United States and Italy are particularly important in this regard, and form the backbone of caucuses that organize international PFDJ and Youth PFDJ conferences.[324] Social, cultural and political fund-raising events, including — since late 2009 — rallies against the imposition of United Nations sanctions, are regularly organized in Australia, Canada, Denmark, France, Germany, Italy, the Netherlands, Norway, Sweden, Switzerland, the United Kingdom and the United States by Eritrean embassy officials and affiliated individuals.

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[322] Interviews with former PFDJ and Government of Eritrea finance officials, October 2010 and January 2011.

[323] The Monitoring Group has heard several accounts of individuals receiving Eritrean service or diplomatic passports for the sole purpose of serving as a courier for cash carried in diplomatic pouches, including one source who has personally been involved in the management of hard currency and embassy accounts, January 2011.

[324] The 2011 annual youth conference was held in Oslo in April 2011.

389. As head of the PFDJ Political Affairs Department, Yemane Gebre-ab also oversees Youth PFDJ activities and is a regular participant or guest of honour at such events.[325] The proceeds from Youth PFDJ events are channelled to PFDJ activists or, in some cases, embassy staff. Some of the most prominent organizers of these events are Alem Teklaigiorgis, Chairman of the National Holidays Coordinating Committee in Sweden; Sirak Bahlbi, an Eritrean and United Kingdom dual citizen and close associate of Mr. Gebrehiwot, who is one of the coordinators of the United Kingdom chapter of the Youth PFDJ. In the United States, one of the most prominent PFDJ activists is Sophia Tesfamariam, who organizes PFDJ programmes in the United States from an Eritrean community centre in Washington, D.C., regularly participates in international PFDJ events in Europe, and is a prolific online author. Events in Italy are organized through Eritrean embassy officials in Italy.

390. PFDJ and Youth PFDJ fund-raising events are usually advertised on the following websites: www.ypfdj.com, www.meadna.com, www.eritreacompass.com, www.eritrean-smart.org, www.alenalki.com, www.dehai.org and www.raimoq.com. There are several Youth PFDJ communities on Facebook.

F. Direct financial contributions

391. In addition to taxes and remittances, Eritrean embassies abroad receive direct contributions from Eritrean supporters operating in their host countries. Such contributions can be worth millions of dollars a year. As an example, the Monitoring Group has obtained a sample of documentation of the Ministry of Finance of Eritrea, which shows millions of dollars collected by the Eritrean embassy in Nairobi in 2010 from numerous Eritrean businessmen based in Kenya, Uganda, Rwanda, Burundi and southern Sudan (see annex 11.1).

392. Some foreign Governments also provide direct financial support to the Government of Eritrea. Qatar is perhaps Eritrea's most important economic partner at the moment, and Qatari officials have acknowledged to numerous foreign diplomats that their Government has provided significant, direct financial support to the Government in Asmara. According to numerous interviews conducted by the Monitoring Group with diplomats, former Eritrean officials and businessmen, much of this support is provided in the form of cash.

393. Likewise the Libyan Arab Jamahiriya has long been a patron of the Eritrean leadership, contributing both direct financial support and in kind contributions including, allegedly, petroleum products. The Group has also received documentary evidence of at least one secret bank account in the Libyan Arab Jamahiriya that has been operated by a serving senior Eritrean official, and continues to investigate the matter.

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[325] Mr. Gebre-ab was named in the Monitoring Group's previous report (S/2010/91) as a principle coordinator of support to Somali armed opposition groups.

G. Clandestine business and banking networks of the People's Front for Democracy and Justice in the diaspora

394. In recent years, PFDJ financial systems have become increasingly complex and opaque. In 2004, United States authorities raided and shut down Himbol offices when it was discovered that Himbol was not appropriately registered as a financial institution, obliging PFDJ to find new ways to handle remittances from Eritreans in the United States. One option — the use of embassy bank accounts, was further curtailed after 2007 when the Government of the United States closed down an Eritrean consulate in Oakland, California, where a large diaspora community is based. After the passage of Security Council resolution 1907 (2009) in December 2009, according to numerous Eritrean sources, Hagos Gebrehiwot issued new instructions to better conceal the manner in which PFDJ financial transfers are managed.

395. One technique involves the use of private individuals — often Eritreans with dual nationality — to coordinate cash collection and transfers on behalf of PFDJ. These include taxi drivers, grocery store owners and travel agents, some of whom may actually operate small front businesses on behalf of PFDJ.[326] The hard currency transfers they make are now generally limited to less than $10,000, apparently to avoid triggering suspicious money transfer reports.[327] Alternatively, private individuals may be instructed to physically carry cash across borders, sometimes being issued Eritrean diplomatic passports for that sole purpose.[328]

396. For example, while consular finances in the United States are coordinated by Berhane Ghebrehiwet, a senior official at the Eritrean embassy in Washington, D.C., United States-based non-consular agents regularly carry PFDJ cash to Dubai and other foreign destinations. According to two former consular officials at the Eritrean embassy in Washington, D.C., two such individuals are Tesfay Barrios, a businessman who allegedly runs at least one petrol station for Hagos Gebrehiwot in the Washington, D.C., area, and Martha Solomon, a Chicago resident, who claims to have business interests in Dubai and real estate interests in the United States.[329] The Monitoring Group has been made aware of several other Eritrean individuals allegedly performing similar services in California, Nevada and the Washington, D.C., area on behalf of the Eritrean embassy, and continues to investigate.

397. Historically, at least some of the PFDJ funds collected in North America and Europe have been routed through the Eritrean embassy in Italy, whose accounts are held at Unicredit Banca di Roma in Milan and Rome. As in the United States, a number of Eritrean businessmen in Italy also act as financial facilitators for PFDJ. According to former officials of the Government of Eritrea who have first-hand knowledge of these networks, one of the most important such facilitators is Ghirmai Okbe, an Eritrean resident in Milan and close associate of President Isaias Afwerki who has served as a financial and intelligence agent in Italy for EPLF/PFDJ for

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[326] Interviews with more than 20 former consular staff of various embassies of Eritrea have corroborated this information.

[327] Communication with law enforcement officials, November 2010.

[328] Interview with former PFDJ finance official, January 2011, former national security official, August 2010, and numerous former Eritrean diplomats interviewed between September 2010 and April 2011.

[329] E-mail exchanges with two former consular officials of the embassy of Eritrea in Washington, D.C., March 2011.

approximately 30 years. Mr. Okbe, who runs a small travel agency in Milan, is reportedly assisted in his work by a serving Eritrean intelligence officer known as Haile Zeron. The Restaurant Africa in Milan, owned by Tzehaye Tukui, has likewise been identified as a PFDJ-affiliated business that contributes directly to party coffers.[330] According to officials of the Government of Italy, these individuals are believed to have hosted an Eritrean military official known as "Kifle" who is involved in military procurement, and who reported to Colonel Weldu Gheresus Barya (see also paras. 371 above and 403 below) for a period of one month at the end of 2010.[331]

398. PFDJ financial networks in Italy are apparently closely linked to party cells in Switzerland. According to the same sources, a number of Italy-based PFDJ agents travel regularly to Switzerland, where similar businesses operate on behalf of PFDJ. The Monitoring Group has seen photos of some of these alleged agents.

399. In Sweden, PFDJ finances are coordinated by Gemal Abdelalem, an official at the embassy of Eritrea in Stockholm who is responsible for enforcing payment of diaspora taxes. As elsewhere, a number of other, non-official Eritreans are also involved in party finances. Ghebrehiwet Ghebremedhin is a leading PFDJ activist in Sweden who, under the guidance of the PFDJ diaspora affairs office in Asmara, organizes party events, including demonstrations against the United Nations-imposed sanctions regime, and coordinates with representatives of Somali and Ethiopian opposition groups in Sweden. Abeba Teklai, who also reportedly facilitates PFDJ financial transfers, travels between Sweden, Eritrea and Italy. And Michael Haile, another individual who allegedly handles finances for the Government of Eritrea, travels regularly between Sweden and Asia.[332]

400. The Monitoring Group is aware of similar networks across the United Kingdom[333] and other European countries, and recommends that investigations into their possible involvement in financing or facilitating sanctions violations should continue.

H. Honorary consuls and offshore business partners

401. Foreign businessmen, some of whom are appointed honorary consuls, play a key role in the PFDJ offshore financial networks. In several cases brought to the attention of the Monitoring Group, such individuals appear to be closely involved in military procurement and, in some cases, in criminal activity.

402. Pier Gianni Prosperini, a former official in the government of Lombardy in Italy, served as Eritrea's honorary consul in Milan until his incarceration by the Italian authorities for fraud and corruption. According to a former Eritrean military official who has been introduced to Mr. Prosperini, he was also involved in the purchase of maritime vessels for Eritrea.[334] He has also been named in a case

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[330] Retired Eritrean military officer who served in Italy, October 2010; interview with former finance officer for the Government of Eritrea, March 2011.

[331] Interview and correspondence with Government of Italy officials, January 2011.

[332] Information provided by Swedish-based Eritrean sources with active links to PFDJ networks in Sweden, March 2011.

[333] The Monitoring Group has provided details to United Kingdom officials related to an Eritrean individual involved in systematic money transfers and continues to investigate the matter.

[334] Interview with Eritrean military source, Sweden, October 2010.

involving in the smuggling of alleged dual-use equipment to the Islamic Republic of Iran, and is under investigation for a similar case involving Eritrea.

403. The Government of Eritrea also has close ties with an Italian-based business, Officine Piccini, based in Perugia, which exports spare parts and machinery. The company's legal representative is Asmerom Meconnen, an Eritrean businessman who works closely with PFDJ and who is a business partner of Colonel Weldu Gheresus Barya.[335] The company has been visited personally by President Isaias Afwerki.[336] According to financial information obtained by the Monitoring Group, this company exports to over 100 different countries, including over 40 million euros each of exports to Eritrea and Equatorial Guinea over the last 13 years. The Monitoring Group has been reliably informed by a law enforcement source that one of Officine Piccini's shareholders is under investigation for money-laundering by the Swiss police.

404. Abdullahi Matraji, a wealthy businessman, serves as honorary consul for Eritrea in Lebanon.[337] According to a former Eritrean official based in the Sudan, Matraji's appointment was facilitated by his father, Ghassan Matraji, who worked closely with members of EPLF in laundering counterfeit dollars in the Sudan for "Brigade 72".[338] Ghassan Matraji was sentenced in Beirut in 1997 for forging United States dollars and attempting to circulate those dollars in Lebanon.[339] He was also apparently charged by a Beirut court in 1995 for trading in arms and military equipment.[340]

405. Eritrea's honorary consul in Pakistan is Shakil Kashmirwala, a prominent businessman in the aviation industry.[341] In 2006, he hosted a high-level delegation of Eritrean military officials to Pakistan, where he claimed to have visited munitions factories or "ordnance establishments" with them.[342]

Case study: Dubai as an offshore Eritrean financial hub

406. Dubai is a major hub for PFDJ offshore financial networks, serving as a conduit for much of the revenue — in the form of taxes, remittances and contributions — gathered by the Eritrean diaspora in North America, Europe and the Middle East. These funds can in turn be directed to a range of purposes, including Eritrean covert operations. This case study examines one potential route of PFDJ funds: from the United States, through Dubai and Nairobi, into the hands of armed opposition group groups in Somalia and the Horn of Africa.

407. Oakland, California, and the Washington, D.C., area host some of the largest Eritrean communities in the United States, and therefore provide major sources of funding for PFDJ. As described in paragraphs 394 to 400 above, some of this cash is deposited in Eritrean embassy bank accounts, but much of it is moved through

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[335] Interviews with Eritrean businessmen in September 2010 and November 2010.

[336] Interview with Italian source in Perugia, October 2010, and page 5 of www.comune.perugia.it/resources/docs/sindaco/dic06.pdf.

[337] http://eritreanconsulate-lb.com/root/aboutconsolate/Hononary.html.

[338] Interview with former Eritrean diplomat, September 2010 and January 2011.

[339] As transcribed from court documents in Lebanon in January 2011, and reflected in www.lebanon.com/news/local/1997/3/21.htm.

[340] Reuters news article, reprinted in *Winnipeg Free Press*, 12 August 1995.

[341] www.kashmirwalagroup.com/director.htm.

[342] http://archives.dawn.com/2006/06/06/local19.htm.

increasingly opaque financial networks, employing money transfer companies and individual couriers. According to Eritrean sources, Tesfay (or Adey) Mariam is suspected of being one such financial facilitator. While working as a taxi driver in Arlington, Virginia, Tesfay Mariam — an Eritrean citizen with dual United States nationality — has organized the transfer of hundreds of thousands of dollars to Eritrean individuals and PFDJ-linked businesses in Dubai. Law enforcement agents have confirmed that a taxi driver resident in Virginia is involved in the transfer of illicit funds to Dubai, but did not provide the name of the individual.

408. According to financial information obtained by the Monitoring Group from law enforcement sources investigating these transfers, recipients of the funds in Dubai include:

- Ghebremeskel Tesfamariam Ghidey
- Desbele Abaraha
- Abiel Haileab
- Woldu Kfamariam Habte
- Daniel Abadi
- Biniam Tewelde
- Abadi Building Materials
- Miaccom General Trading
- Zara General Trading
- Al Abtal Readymade Garment Trading
- Luxury General Trading LLC
- Abadi Building and Trading LLC

409. The Monitoring Group has yet to establish the purpose for which these funds are sent, or why all the beneficiaries maintain accounts with the Standard Chartered Bank and Commercial Bank of Dubai.[343] But multiple Eritrean sources in Dubai and the United States have informed the Group that individuals and enterprises on this list are affiliated with PFDJ and may play a role in laundering its funds.

410. According to former Eritrean consular staff and Eritrean businessmen in Dubai, the Eritrean consulate in Dubai, and specifically the Commercial Attaché Mehari Woldeselassie, also play a central role in these arrangements. The consulate banks incoming revenues at an account with HSBC, a preferred bank of the Eritrean Government and PFDJ because of its global reach. In addition to supervising the operations of this account, Mr. Woldeselassie also manages procurement on behalf of the Red Sea Corporation and coordinates commercial activities through some of the front companies mentioned above.[344]

411. Senior Eritrean military figures travel regularly to Dubai, where they coordinate their financial transactions through the Dubai consulate.[345] For example, General Teklai Habteselassie travelled to Dubai en route to Ukraine, in December

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[343] Information provided by law enforcement officials in 2010.

[344] Interview with RSC officials, Asmara, January 2011.

[345] Eritrean businessman, Dubai, December 2010 and former PFDJ finance official, January 2011.

2009, in what a senior official of the Government of Eritrea has acknowledged was intended to be a military procurement mission (see para. 370 above). General Te'ame Abraha and Colonel Tewelde Habte Negash (see sect. VII above) regularly visit Dubai.[346] And Tesfalidet Habtesellasie, the most senior official in the President's office, travels frequently to China and Eastern Europe from Dubai.[347]

412. From Dubai, at least some of the hard currency stream is directed towards Nairobi, where the Eritrean embassy receives transfers into accounts under its control.[348] Sources with access to financial transactions at the embassy have informed the Group that the embassy has used dollar-denominated accounts at Standard Chartered Bank and Barclays Bank in Nairobi to receive dollar deposits from abroad.[349]

413. The embassy of Eritrea in Nairobi is a central logistical hub from which Eritrean intelligence activities related to Somalia have long been financially and logistically supported (see paras. 315-326 above, and case study on Eritrean intelligence links to Somali armed groups in annex 8.5) and payments to Shabaab-related individuals are coordinated. Eritrean officials are routinely dispatched to retrieve money from their embassy bank accounts in Nairobi, whereupon such proceeds are distributed to various Somalis for their travel and operations in Kenya and Somalia.[350] One source personally involved in such transactions told the Monitoring Group that he was regularly instructed to remove tens of thousands of dollars from a Barclays Bank account held by the Eritrean embassy in Nairobi, specifically for this purpose.[351] Payments to members of Somali armed opposition groups are documented in paragraphs 315 to 326 of this report, and additional supporting documentation has been archived with the United Nations.

414. Contraband trading between Eritrea and the Sudan is also supported by the PFDJ procurement structures in Dubai, which are organized by the Eritrean consulate there and the Red Sea Corporation. General goods purchased by PFDJ and the Red Sea Corporation in Dubai are regularly smuggled from Eritrea into the Sudan as contraband and in violation of customs laws.[352]

I. Contraband trade with the Sudan

415. The Monitoring Group has received information from dozens of Eritrean and Sudanese sources about the multi-million dollar contraband trade between Eritrea and the Sudan. The embassy of Eritrea in the Sudan plays a key role in this illicit trade.

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[346] Interview with six separate Eritrean sources based in Nairobi and Dubai, August 2010 and January 2011.

[347] Interview with an Eritrean businessman, December 2010.

[348] Interviews with former Eritrean diplomat, September 2010, and PFDJ finance official, January 2011.

[349] Interviews with former Eritrean diplomat, September 2010, and source at embassy of Eritrea, November 2010.

[350] Interviews with two individuals who have worked at the embassy of Eritrea in Nairobi, and two more who are regularly invited into the embassy in Nairobi.

[351] Interview with former Eritrean Government official, September 2010.

[352] Interviews with Dubai-based Eritrean businessman, November 2010, and PFDJ finance official, January 2011.

416. On the Eritrean side of the border, smuggling activity is principally coordinated by General Teklai Kifle "Manjus". His counterparts on the Sudanese side are Mabrouk Mubarak Salim (see paras. 358 and 359 above) and Hamid Abdallah, a wealthy Khartoum-based businessman who is also an asset for both the Sudanese and Eritrean intelligence services, and who has kinship ties to border police monitoring the Sudan-Eritrea border. He regularly hosts Eritrean officials who visit Khartoum, such as Yemane Gebreab, Abdallah Jaber and General Kifle, and was involved in the sale of millions of dollars of Eritrean scrap metal to Giad, a conglomerate of Sudanese companies, in 2010.[353]

417. General goods, including electronics and soft commodities such as sugar and alcohol, are imported from the United Arab Emirates and other locations to the port of Massawa in Eritrea with a bill of lading for the Sudan. The containers are then brought down to the Eritrean border town of Teseney, where they are opened and sold locally or smuggled across into the Sudan, thereby avoiding official customs procedures on both sides of the border.[354] Cash raised from these "duty free" smuggling operations is converted into dollars with the assistance of Hamid Abdallah, and then either sent back to Eritrea to General Kifle, transferred through embassy of Eritrea bank accounts in Khartoum, or laundered through hawala agencies.[355]

418. The embassy of Eritrea in Khartoum uses funds raised from contraband to purchase agricultural goods required in Eritrea, as well as acquire oil and gas products at discount rates from the Sudan.[356] But the funds are also dispatched to armed groups in the region and used to procure military equipment.

419. The Monitoring Group has been informed by former officials who worked in the embassy of Eritrea in Khartoum that the chief security officer in that embassy, Andeberhan Berhe, used to regularly send money from Khartoum to Somali, Oromo and other armed opposition group members by hawala transfers and that Issa Ahmed Issa, who until recently had served as Ambassador of Eritrea in Khartoum for many years, has been involved in laundering money through Eastern Europe for the purchase of military equipment.[357]

420. Eritrean intelligence is also heavily involved in financial operations in Juba, southern Sudan, where PFDJ controls hotel businesses, water distribution and the insurance market in collusion with local partners. Juba is also a regular destination for several known Eritrean intelligence operatives.

J. Human smuggling and trafficking

421. The well-documented exodus of young Eritreans to escape poverty or obligatory "national service" represents yet another opportunity for corruption and

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[353] Two former officials in the embassy of Eritrea in Khartoum, two former Government of Sudan officials and a former rebel representative from eastern Sudan confirmed the above during interviews held in Khartoum in December 2010.

[354] Interview with former Khartoum-based Eritrean official, January 2011.

[355] Interviews with multiple Eritrean sources in Khartoum, December 2010, and former PFDJ finance official, January 2011.

[356] Interviews with Sudanese businessman and former Government of Sudan official, December 2010 and, with former PFDJ finance official and Khartoum-based official, January 2011.

[357] Interviews in September 2010 and January 2011.

illicit revenue. People smuggling is so pervasive that it could not be possible without the complicity of Government and party officials, especially military officers working in the western border zone, which is headed by General Teklai Kifle "Manjus". Multiple sources have described to the Monitoring Group how Eritrean officials collaborate with ethnic Rashaida smugglers to move their human cargo through the Sudan into Egypt and beyond. This is in most respects the same network involved in smuggling weapons through to Sinai and into Gaza.[358]

422. According to former Eritrean military officials and international human rights activists, military officers involved in the practice charge roughly $3,000 a head for each person exiting Eritrea. Eritreans seeking to leave the country illegally (i.e. without an exit visa), and who can afford to pay these fees, often choose to do so rather than risk imprisonment.

423. In some cases, however, smugglers may demand an additional ransom payment up to $20,000 per head in order to release their charges. An Eritrean directly involved in smuggling operations into Egypt explained to the Monitoring Group how family members are required to send the funds via money transfer agencies to Eritrean officials operating in the Eritrean embassy in Egypt, and in Israel, in order to secure the release of their relatives.[359]

424. Although the Government of Eritrea prohibits human smuggling, and has reportedly imprisoned some officials for taking part in it, senior Government and/or party officials linked to General Kifle's command profit from the practice.[360] The Monitoring Group has obtained details of a Swiss bank account into which the proceeds from smuggling have been deposited and has provided the Swiss authorities with information related to this account, together with the personal and contact details of the Swiss-based coordinator of this trafficking ring and details of the coordinator's Egypt-based associates.

K. Mining operations

425. The Monitoring Group has noted that Eritrea has started producing volumes of gold in line with the development of its mining industry. While royalties and taxes paid by mining companies are paid to the Eritrean treasury, it is not clear, given the opaque nature of Eritrea's financial management, whether such finances might be diverted to finance violations of Security Council resolution 1907 (2009), even if companies pay their fees to official Government accounts.[361]

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[358] Interview with Eritrean individuals directly involved in people smuggling operations, March 2011.

[359] Interview with Eritrean individuals directly involved in people smuggling operations, March 2011.

[360] Interview with Eritrean source, Switzerland, March 2011.

[361] The Monitoring Group has contacted Nevsun, a mining company based in Canada, which has formed a joint venture with the Government of Eritrea to exploit the Bisha mine and understands that the Government of Eritrea has started to receive royalty payments worth millions of dollars as of 2011, and is due to recover its share of exports once the joint venture has recovered its costs.

X. Acts that obstruct implementation of Security Council resolution 1862 (2009)*

426. Since the passage of Security Council resolution 1862 (2009), there has been considerable progress towards its implementation, largely thanks to the intercession of the Government of Qatar, which has been accepted as a mediator by both States parties to the conflict, and deployed a small peacekeeping mission to the disputed border area near Ras Dumeira in June 2010. Eritrea has withdrawn its forces from the contested zone and there has been no armed conflict since Qatar's intervention.

427. The Monitoring Group, however, has identified two types of actions that represent potential obstruction of the implementation of resolution 1862 (2009): Eritrea's refusal to discuss Djiboutian military personnel missing in action; and its support for FRUD-Combattant.

A. Djiboutian military personnel missing in action

428. According to the Government of Djibouti, the 2009 border clashes left 30 Djiboutian soldiers dead, 39 injured and 49 handicapped. Nineteen Djiboutian military personnel, including one officer, were reported missing in action and are presumed by the Djiboutian authorities to have been taken as prisoners of war by the Eritrean authorities.[362]

429. To date, the Government of Eritrea has refused to provide information on this issue to any third party, and told the Monitoring Group that it would not discuss the issue because the conflict is being resolved under the auspices of the Government of Qatar. The Minister for Foreign Affairs of Djibouti informed the Monitoring Group that his Government had raised the matter with the Qatari authorities.[363] However, a senior Qatari official told the Monitoring Group that his Government's initiative was confined to "legal and cartographic" dimensions of the dispute.[364]

430. Eritrea's lack of cooperation on this issue defies Security Council resolution 1907 (2009), in paragraph 4 of which the Council demands "that Eritrea make available information pertaining to Djiboutian combatants missing in action since the clashes of 10 to 12 June 2008 so that those concerned may ascertain the presence and condition of Djiboutian prisoners of war". However, the Monitoring Group believes that it would be premature to conclude that Eritrea's silence constitutes obstruction of Security Council resolution 1862 (2009), and recommends that the Qatari peace initiative be permitted additional time and scope to address all aspects of the dispute.

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* In paragraph 15 (c) of its resolution 1907 (2009), the Security Council prohibits acts that obstruct "implementation of resolution 1862 (2009) concerning Djibouti".

[362] Ministry of Foreign Affairs of Djibouti, "Lourdes pertes subies par l'armée djiboutienne", July 2010. The document includes identifying information of personnel considered missing in action.

[363] Interview, 27 November 2010.

[364] Interview, 9 February 2011.

B. Eritrean support for the Front pour la restauration de l'unité et de la démocratie-Combattant

431. As described in paragraphs 268 to 276 above, Eritrea has been hosting and supporting a militant faction of the Djiboutian armed opposition group, FRUD, since at least 2008.

432. The Qatari peacekeeping force on the Djibouti-Eritrea border only supervises a small (5 to 6 km) sector of the border near Ras Dumeira, and is therefore not in a position to observe or interdict cross-border movements further to the south.

433. Although the activities of FRUD-Combattant to date have been small-scale and ineffective, they nevertheless suggest a lack of Eritrean commitment to the peace process, undermine the prospects for successful resolution of the border dispute and jeopardize the normalization of relations between Djibouti and Eritrea. Consequently, the Monitoring Group considers Eritrean support for FRUD-Combattant to constitute obstruction of the implementation of resolution 1862 (2009).

Observations, conclusions and recommendations

XI. State cooperation with the Monitoring Group

434. The Monitoring Group is pleased to note that, in general, the level of cooperation with Member States and regional and international organizations during the course of this mandate represented a marked improvement over past experience. There nevertheless exist areas of potential improvement, and some notable exceptions to the Monitoring Group's overall positive assessment of cooperation. Additional information is contained in annex 13.

435. The Monitoring Group especially appreciates the assistance of its host, the Government of Kenya, for permitting it to be based at the United Nations Office at Nairobi.

436. The Monitoring Group visited Mogadishu six times between December 2010 and April 2011, and is deeply grateful to AMISOM for the generous logistical and substantive support that it provided throughout the course of the mandate.

437. The Government of Bulgaria set an extraordinary standard for cooperation with the Monitoring Group's requests for assistance with tracing of arms and ammunition. In all instances, the background information and documentation provided by the Bulgarian authorities met or exceeded the Monitoring Group's requirements.

438. Likewise, the Monitoring Group would like to recognize the Government of Romania for its high level of cooperation. Romania has responded to requests for assistance with the necessary background information and documentation to enable the Monitoring Group to trace Romanian manufactured arms and ammunition.

439. The Monitoring Group met with officials from various Somali authorities during the course of its mandate, notably the Transitional Federal Government, Somaliland and Puntland. In all cases, officials made themselves available to the Monitoring Group and shared information in a transparent fashion.

440. Lastly, the Monitoring Group would like to acknowledge the staff of the Department of Safety and Security of the Secretariat in New York, Kenya and Somalia for their exceptional support during the course of the mandate, and for ensuring the Monitoring Group's security.

XII. Observations and conclusions

A. Somalia

441. Al-Shabaab's resilience, despite its lack of popular support and the chronic divisions within its leadership, is principally due to the weakness of the Transitional Federal Government, and the latter's failure to broaden its political appeal or share power with other de facto political and military forces in the country.

442. The endemic corruption of the leadership of the transitional federal institutions — and the conflicts it engenders between Transitional Federal Government officials over power and access to resources — is the greatest impediment to the emergence of a cohesive transitional authority and effective State institutions. By extension, corruption is arguably also the single greatest obstacle to the defeat of Al-Shabaab and its foreign affiliates in Somalia.

443. Corruption in the transitional federal institutions not only prevents consolidation of the security forces. It also corrodes political cohesion at the top, precludes genuine power-sharing with non-Transitional Federal Government authorities (such as Puntland, Galmuduug and ASWJ), and diverts ministers and other senior figures away from their official functions into the pursuit of lucrative commercial opportunities and aid projects. As a result the Government's operating budget is far below actual income, civil service salaries go unpaid, soldiers defect to the opposition or become pirates and ammunition is sold to the opposition.

444. Perhaps more importantly, it means that trade, and the vital revenues that it generates, is channelled to Al-Shabaab-controlled areas, which offer a more disciplined, predictable and profitable environment for Somali commerce. In a very real sense, Al-Shabaab is becoming a business: a network of mutually supportive interests in Somalia, Kenya, the Middle East, and even further afield. Even businessmen who are not ideologically aligned with Al-Shabaab have little incentive to see the Islamists displaced by a predatory and corrupt Transitional Federal Government. To the extent that members of the business community also exert influence over political and military dynamics within their clans, it is unsurprising that the Government lacks any significant domestic base of support.

445. Unless steps are taken to alter this equation, the anticipated reorganization of the transitional federal institutions in August 2011 is unlikely to produce an authority capable of expanding Government authority or regaining the initiative from Al-Shabaab on the battlefield. The Monitoring Group therefore recommends, in section XIII below, a number of measures intended both to curb the corrosive influence and practices of the Transitional Federal Government's internal spoilers and to discourage the business community from colluding with Al-Shabaab in its efforts to seize power through dominance of the Somali economy.

B. Eritrea

446. Whereas Eritrean support to foreign armed opposition groups has in the past been limited to conventional military operations, the plot to disrupt the African Union summit in Addis Ababa in January 2011, which envisaged mass casualty attacks against civilian targets and the strategic use of explosives to create a climate of fear, represents a qualitative shift in Eritrean tactics. Such actions cannot be justified in the context of Eritrea's bilateral dispute with Ethiopia.

447. The fact that the same Eritrean officers responsible for the planning and direction of this operation are also involved, both in supervisory and operational roles, in external operations in Djibouti, Kenya, Uganda, Somalia and the Sudan implies an enhanced level of threat to the region as a whole. The Addis Ababa plan appears to suggest that networks under their supervision that have in the past been used for intelligence collection, illicit financial operations, people smuggling and other forms of support to conventional armed groups, may now be employed as support networks for more violent and destructive operations. The Monitoring Group therefore recommends, in section XIII below, ways and means to curtail the capability of the Eritrean external operations directorate to conduct future operations of this nature.

XIII. Recommendations

A. Somalia

Threats to peace and security

448. The Monitoring Group recommends that:

(a) The Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea should proceed without further delay to designate additional individuals and entities proposed by the Monitoring Group or Member States for targeted measures under Security Council resolution 1844 (2008) and/or resolution 1907 (2009);

(b) In line with Security Council resolution 1844 (2008), paragraph 8 (a), individuals and entities that threaten to destabilize stable areas, to militarize political or social conflicts or to incite inter-communal violence should be considered subject to targeted measures, together with their financiers, facilitators and active supporters;

(c) Any member of the transitional federal institutions whose actions threaten the political process or undermine the cohesion of the Transitional Federal Government or its security forces, or otherwise detract from the Transitional Federal Government's capacity to fulfil its mandate, should be considered subject to designation by the Committee for targeted measures;

(d) The Government of Kenya, in cooperation with community leaders and civil society organizations, should urgently consider measures to curb the radicalization, recruitment and resource mobilization by Al-Shabaab affiliates and sympathizers in Kenya;

(e) The Government of Kenya consider establishing rehabilitation centres for returning Kenyan fighters from Somalia and offering amnesty to any who agree to attend them.

Al-Shabaab finances

449. The Monitoring Group recommends that:

(a) The Security Council and the Committee should consider all non-local commerce via Al-Shabaab-controlled ports to constitute financial support for a designated entity, rendering individuals and entities engaged in such commerce subject to targeted measures;

(b) The Transitional Federal Government should officially ban all trade by large merchant vessels with Al-Shabaab-controlled ports, notably Kismaayo, Marka and Baraawe, and seek the cooperation of neighbouring States, especially the United Arab Emirates, as well as States with naval assets in the Indian Ocean, in enforcing the ban;

(c) The Transitional Federal Government should require all merchant vessels calling at the port of Mogadishu to fully discharge all of their cargo and seek the assistance of AMISOM in monitoring and enforcing this edict;

(d) The Government of the United Arab Emirates, and especially the authorities in Dubai and Sharjah, should consider enforcing more stringent measures on dhows conducting trade with Somalia, especially to verify conformity of their cargoes with their custom declarations and/or cargo manifests;

(e) The Gulf Cooperation Council and/or its Member States should consider imposing a ban on all charcoal imports from Somalia;

(f) The Transitional Federal Government, and specifically the Mogadishu Port Authority, should review the rates at which it imposes taxes and duties on imports, in order to discourage illicit trade with Kismaayo;

(g) The Transitional Federal Government and other Somali authorities should introduce, in consultation with knowledgeable international partners, a legislative framework for the telecommunications, banking and money transfer sectors, requiring greater diligence and transparency (i.e. comprehensive "know your customer" polices).

Piracy

450. The Monitoring Group recommends that:

(a) The Committee should move without further delay to designate known pirates identified by the Monitoring Group or Member States for targeted measures;

(b) The Security Council should consider the possibility of establishing, as an interim measure pending the establishment of an international tribunal or other multilateral juridical anti-piracy mechanism, a specialized investigative body with a mandate to collect information, gather evidence and record testimonies relating to acts of Somali piracy, including and especially the identification of pirate leaders, financiers, negotiators, facilitators, support networks and beneficiaries. The information gathered by the new mechanism should be made available both for the purposes of sanctions and for eventual use in prosecutions before national or international courts;

(c) The Committee should consider outboard engines of 40 horsepower and above, which in Somalia are used predominantly to power pirate attack skiffs, as "dual-use" items, whose transfer, sale or export to Somalia represents a potential breach of the general and complete arms embargo and requires authorization from the Committee. Notification to this effect should then be communicated via Member States to national customs authorities, as well as to manufacturers, exporters, wholesale and retail enterprises who handle outboard engines;

(d) The Secretary-General, through his Special Representative for Somalia, should work with Somali authorities, notably the Transitional Federal Government, Puntland and Somaliland, to establish a transparent coordination and regulatory framework for the issuance of fishing licences, the details of which should be shared with concerned international actors, including the Monitoring Group and EU NAVFOR;

(e) The maritime component of the North Atlantic Treaty Organization (NATO) based in Northwood (United Kingdom), should consider designating a responsible officer to whom the Monitoring Group may send formal requests for cooperation and information-sharing on piracy-related issues, as well as appropriate channels of communication;

(f) The Security Council should consider options for the establishment of an international legal framework that regulates the activities of private maritime security companies providing armed protection to vessels in international waters.

Arms embargo

451. The Monitoring Group recommends that:

(a) The Security Council should consider clarifying whether the general and complete arms embargo on Somalia should apply to Somali territorial waters (12 nautical miles) or the Somali exclusive economic zone (200 nautical miles);

(b) The Security Council should consider requiring all Member States and international organizations that come into the possession of weapons, ammunition or military material on Somali territory, or which are destined for Somalia, or which have originated in Somalia, to record the identifying characteristics of those items and communicate them to the Monitoring Group in accordance with paragraph 6 of Council resolution 1425 (2002);

(c) The Security Council, NATO, the European Union and Member States engaged in counter-piracy operations in the Gulf of Aden and the Indian Ocean should expand the mandates of those naval forces to enforce the arms embargoes on Somalia and Eritrea through boarding and inspection of suspicious vessels;

(d) The Secretary-General, through his Special Representative, should consider introducing a security sector programme to assist Somali authorities to:

- Maintain inventories of all of weapons in their possession
- Record the issuance of arms and ammunition to their forces and monitor their use

- Securely store all arms and ammunition, including those seized from non-State armed groups and actors

(e) Any support to security sector institutions should include a component dedicated to security sector governance, including systems of payment, to enhance transparency, discipline and accountability while curbing corruption and the leakage of arms and ammunition to local markets or armed opposition groups.

Obstruction of humanitarian assistance

452. The Monitoring Group recommends that:

(a) The Security Council should consider extending the waiver stipulated in paragraph 4 of resolution 1972 (2011) of obligations imposed on Member States by paragraph 3 of resolution 1844 (2008) to "other neutral humanitarian actors";

(b) The United Nations Humanitarian Coordinator for Somalia should, in consultation with the Monitoring Group, develop a means to sensitize local and international humanitarian actors, as well as Somali authorities, as to the relevant humanitarian provisions of the sanctions regime and their obligations with respect to relevant Council resolutions, including the prohibition on obstruction of humanitarian assistance;

(c) Donor Governments, whose current regulations potentially restrict operations in Al-Shabaab-held areas, should engage with the United Nations system, international humanitarian organizations as well as international and local non-governmental organizations to develop clear operational guidelines for the implementation of those measures, and periodically revise them, taking into consideration both the level of humanitarian need and the perspectives of those entities with operational experience on the ground;

(d) The Somaliland administration should finalize a pending law to clarify the rights of displaced persons and the obligations of the administration, in coordination with international and local humanitarian actors, to provide for their needs within its territory;

(e) The Puntland administration should refrain from any further deportations of internally displaced persons;

(f) The Department of Safety and Security of the United Nations and United Nations Mine Action Service should jointly take the lead in expediting security assessments (together with concerned United Nations agencies) and demining operations in secure areas of Mogadishu and along the Kenyan-Somali border in order to facilitate humanitarian access and the resumption of humanitarian operations in these locations.

B. Eritrea

453. The Monitoring Group recommends that:

(a) The Security Council should consider encouraging Member States to introduce rigorous due diligence guidelines for international financial institutions, including multinational banks, which handle funds or host correspondent accounts for Eritrean banks, embassies of Eritrea, PFDJ entities or affiliates, and request them to cooperate with the Monitoring Group in its investigations;

(b) The Security Council should consider encouraging Member States to introduce rigorous due diligence guidelines for mining companies operating in Eritrea with respect to payment of taxes and royalties, and any other form of revenue accrued from mining production, to the Government of Eritrea in order to prevent the use of such funds in violation of relevant Security Council resolutions;

(c) National Governments should demand that the Government of Eritrea cease to violate the Vienna Convention on Consular Relations through the collection of extraterritorial taxes by its diplomats, and should examine domestic legislation to determine whether the collection of funds by party agents or community "wardens" in their territories is in fact legal — especially where it is accompanied by intimidation or coercion — and, if not, instruct law enforcement authorities to take appropriate action;

(d) National Governments should consider waiving Eritrean privileges and immunities under the Vienna Convention, until the Government of the State of Eritrea officially acknowledges and enacts its own responsibilities under the Convention, principally to prevent the illicit transfer of PFDJ funds via diplomatic pouch;

(e) National law enforcement and intelligence agencies, especially in the East African region, should sensitize their personnel to the potential threat posed by the Eritrean external operations directorate, assign higher priority to monitoring its activities, and enhance information-sharing with their partners.

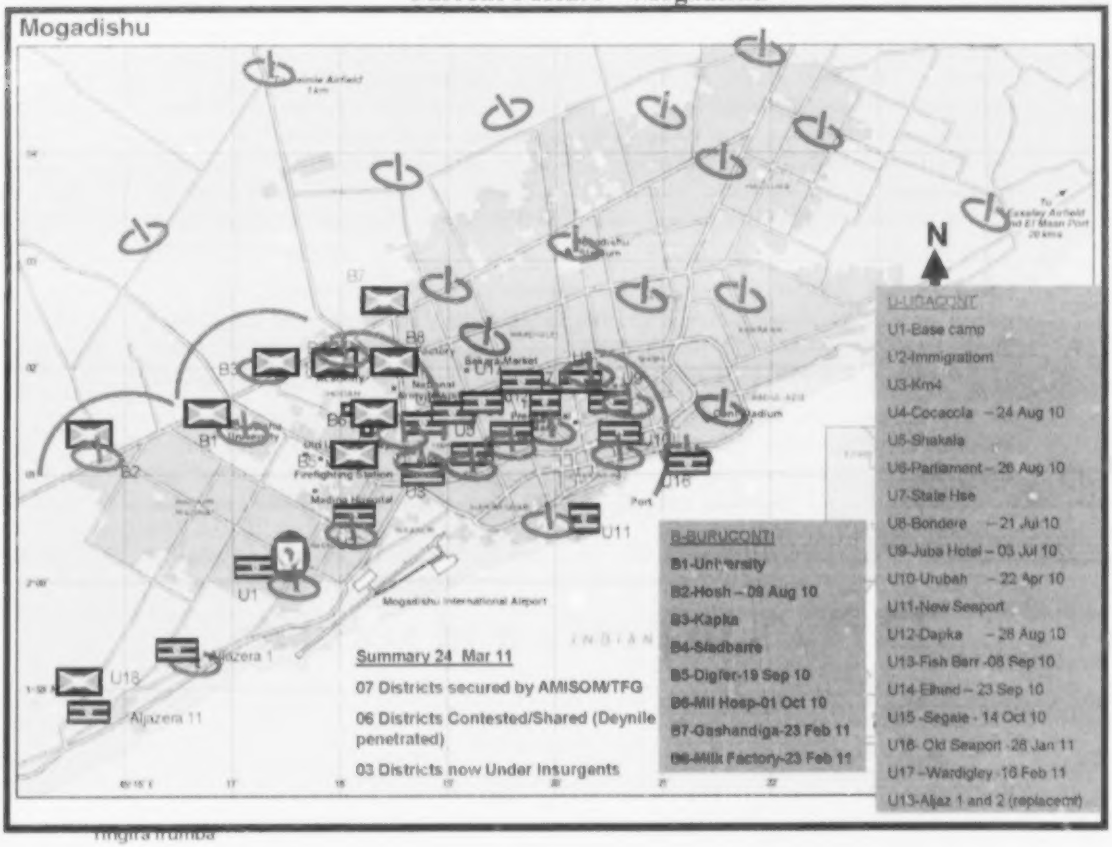
Annex 1

Threats to peace and security

Annex 1.1.: Mogadishu

Annex 1.1.a.: African Union Mission in Somalia area of operations as of 24 March 2011

Current Posture – Mogadishu


Mogadishu
N
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U1
U11
U16
U18
Aljazera 1
Aljazera 11
Mogadishu International Airport
Port
Stadium
Bakara Market
Firefighting Station
Medina Hospital
INDIAN
Summary 24 Mar 11
07 Districts secured by AMISOM/TFG
06 Districts Contested/Shared (Deynile penetrated)
03 Districts now Under Insurgents
B-BURUCONTI
B1-University
B2-Hosh – 09 Aug 10
B3-Kapka
B4-Siadbarre
B5-Digfer-19 Sep 10
B6-Mil Hosp-01 Oct 10
B7-Gashandiga-23 Feb 11
B8-Milk Factory-23 Feb 11
U-UGACONT
U1-Base camp
U2-Immigratiom
U3-Km4
U4-Cocacola – 24 Aug 10
U5-Shakala
U6-Parliament – 26 Aug 10
U7-State Hse
U8-Bondere – 21 Jul 10
U9-Juba Hotel – 03 Jul 10
U10-Urubah – 22 Apr 10
U11-New Seaport
U12-Dapka – 28 Aug 10
U13-Fish Barr -08 Sep 10
U14-Elhind – 23 Sep 10
U15 -Segale - 14 Oct 10
U16- Old Seaport -28 Jan 11
U17 –Wardigley -16 Feb 11
U13-Aljaz 1 and 2 (replacemt)

Annex 1.1.b.: Mogadishu incident review from April 2010 to April 2011[1]

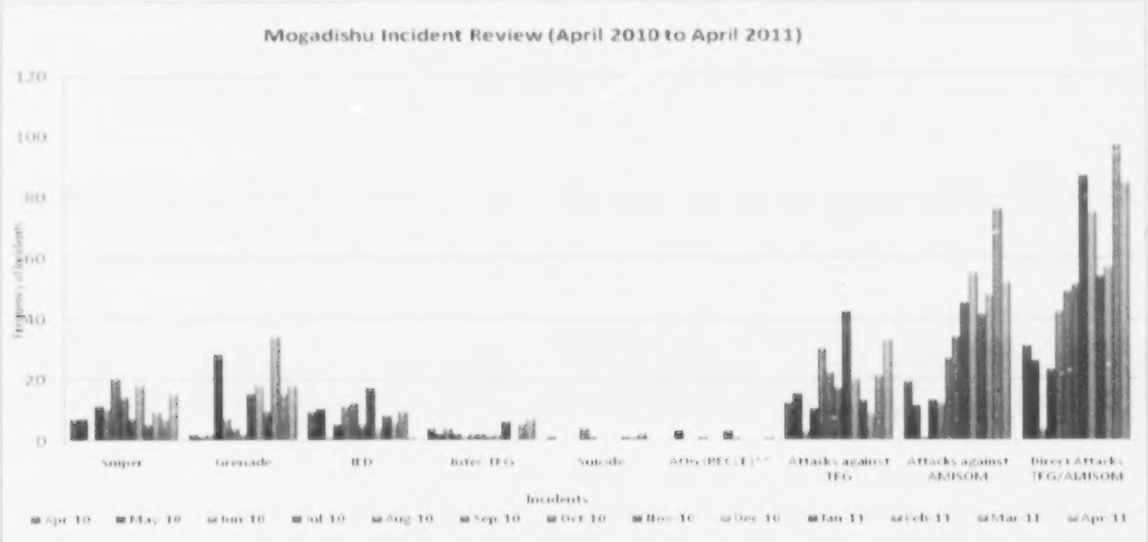
Mogadishu Incident Review (April 2010 to April 2011)*

Incident	*Apr-10*	*May-10*	*Jun-10****	*Jul-10*	*Aug-10*	*Sep-10*	*Oct-10*	*Nov-10*	*Dec-10*	*Jan-11*	*Feb-11*	*Mar-11*	*Apr-11*	*Total*
Sniper	7	7	0	11	10	20	14	7	18	5	9	7	15	130
Grenade	2	1	2	28	7	4	2	15	18	9	34	15	18	155
IED	9	10	1	5	11	12	5	17	4	8	6	9	1	98
Inter-TFG	4	2	4	2	1	2	2	1	2	6	0	5	7	38
Suicide	1	0	0	0	4	1	0	0	0	1	1	2	0	10
AOG (RECCE)**	0	3	0	0	1	0	0	3	1	0	0	0	1	9
Attacks against TFG	12	15	3	10	30	22	17	42	20	13	9	21	33	247
Attacks against AMiSOM	19	11	1	13	12	27	34	45	55	41	48	76	52	434
Direct Attacks TFG/AMISOM	31	26	4	23	42	49	51	87	75	54	57	97	85	681

* Data used in preparing this MIR (Mogadishu Incident Review) has been sourced from information provided by AMISOM, UN Agencies International NGOs, including information accessed from open source during the period April 2010 to April 2011.

** AOG (RECCE) is defined as any incident involving an unidentified individual or suspected insurgent who is shot and/or arrested while approaching and/or attempting to gain unauthorized entry into an AMISOM area of control.

***During the month of June 2010, due to information gaps the Monitoring Group was able to record incidents from 01 to 15 June 2010 only.



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[1] Compiled by the UN Somalia and Eritrea Monitoring Group 1916 (2010).

Annex 1.1.c.: Civilian improvised explosive device casualties from April 2010 to April 2011

Civilians Casualties by IEDs*[1]

Year	Month	Casualties	Wounded
2010	April	2	2
	May	Several	Several
	June	0	0
	July	8	2
	August	0	Several
	September	0	0
	October	0	0
	November	33	22
	December	5	6
2011	January	0	0
	February	4	6
	March	4	14
	April	0	0
Total		56+	52+

* The number of civilians killed is likely to be more than those stated above.

* Statistics have been retrieved from the Mogadishu Incident Logs from April 2010 to April 2011.

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[1] Compiled by the UN Somalia and Eritrea Monitoring Group 1916 (2010).

Annex 1.1.d.: Attacks on African Union Mission in Somalia and Transitional Federal Government forces from April 2010 to April 2011[1]

Apr-10

	Direct Attacks	Snipers	IEDs	Grenades	Suicide
On target	31	7	5	1	
Recovered/premature detonation			4	1	1
AMISOM Casualties					
TFG Casualties	1	3	4		

May-10

	Direct Attacks	Snipers	IEDs	Grenades	Suicide
On target	26	7	7	1	0
Recovered/premature detonation			3		
AMISOM Casualties	1				
TFG Casualties	4		7		

Jun-10*

	Direct Attacks	Snipers	IEDs	Grenades	Suicide
On target	4	0	1	2	0
Recovered/premature detonation					
AMISOM Casualties					
TFG Casualties	2		5		

*During the month of June 2010, due to information gaps the Monitoring Group was able to record incidents from 01 – 15 June 2010 only.

Jul-10

	Direct Attacks	Snipers	IEDs	Grenades	Suicide
On target	23	11	4	11	
Recovered/premature detonation			2	16	
AMISOM Casualties	3	1			
TFG Casualties	7	2	3		

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[1] Note: Data used in preparing this "Direct, Snipers, IEDs, Grenades & Suicide attacks Incident Review April 2010 to April 2011" has been sourced from information provided by AMISOM, UN Agencies International NGOs, including information accessed from open source during the period April 2010 to April 2011. Compiled by the UN Somalia and Eritrea Monitoring Group 1916 (2010).

Aug-10

	Direct Attacks	Snipers	IEDs	Grenades	Suicide
On target	42	10	11	3	2
Recovered/premature detonation*			2	2	1
AMISOM Casualties	4	1			
TFG Casualties	12	5	1		

*On 13 August 2010, a suspected Vehicle Borne IED unsuccessfully attempted to penetrate AMISOM defenses at the Siyad Barre Academy. The suspected vehicles were repulsed.

Sep-10

	Direct Attacks	Snipers	IEDs	Grenades	Suicide
On target	49	20	9	3	1
Recovered/premature detonation*			4	1	1
AMISOM Casualties	1	6			
TFG Casualties	22	6	1		

*On 09 September 2010, AOG militants attacked Mogadishu International Airport with 02 VBIEDs. 01 VBIED detonated killing 02 TFG officers and 03 civilians. 02 mortar rounds were also concurrently fired at the Airport (Medina) Gate, the attacks were repulsed by AMISOM forces and 04 AOGs were POA. The second VBIED was recovered and demobilized together with 01 walkie – talkie and 02 SMGs.

Oct-10

	Direct Attacks	Snipers	IEDs	Grenades	Suicide
On target	51	14	2	2	
Recovered/premature detonation			3		
AMISOM Casualties	5				
TFG Casualties	15				

Nov-10

	Direct Attacks	Snipers	IEDs	Grenades	Suicide
On target	87	7	10	14	
Recovered/premature detonation			7	1	
AMISOM Casualties	6	1			
TFG Casualties	10	1		2	

Dec-10

	Direct Attacks	Snipers	IEDs	Grenades	Suicide
On target	75	18		16	
Recovered/premature detonation			4	2	
AMISOM Casualties	8	4			
TFG Casualties	3	3			

Jan-11

	Direct Attacks	Snipers	IEDs	Grenades	Suicide
On target	54	5	7	9	
Recovered/premature detonation*			1		1
AMISOM Casualties	2	2			
TFG Casualties	18	3			

*On 14 January 2011, 1 of 4 VBIEDs prepared to be deployed by AOG elements targeting AMISOM positions exploded prematurely. As a result, 4 AOG militants were killed and 6 others were seriously injured. The dead included Sheik Isse and Sheik Saleh.

Feb-11

	Direct Attacks	Snipers	IEDs	Grenades	Suicide
On target	57	9	5	34	
Recovered/premature detonation*					1
AMISOM Casualties	26**				
TFG Casualties	25	2			

*On 2 February 2011, 1 VBIED prematurely detonated as it was being prepared.

**Note: While we note that the official number of casualties 26 as recorded in AMISOM Sitreps (for the month of February 2011), we are aware, based on credible information (AU Confidential Report on Fatalities) that 32 casualties are yet to be officially authorized by the AU.

Mar-11

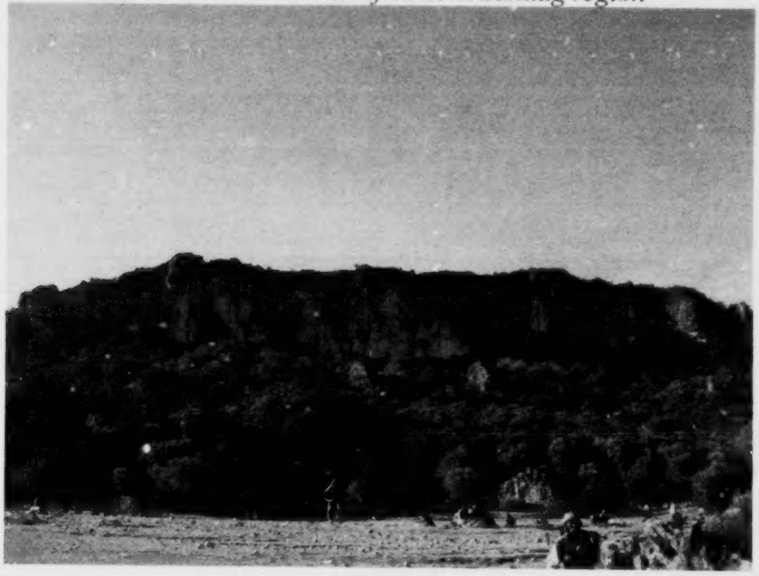
	Direct Attacks	Snipers	IEDs	Grenades	Suicide
On target	97	7	2	15	1
Recovered/premature detonation*			7		1
AMISOM Casualties	18	1			
TFG Casualties	22	2	10		

*On 07 March 2011, a suicide bomber detonated his vest at the Hotel Walleye in Hawlwadag, when he was challenged by guards. No deaths reported except suicide bomber, though a number of civilians were injured.

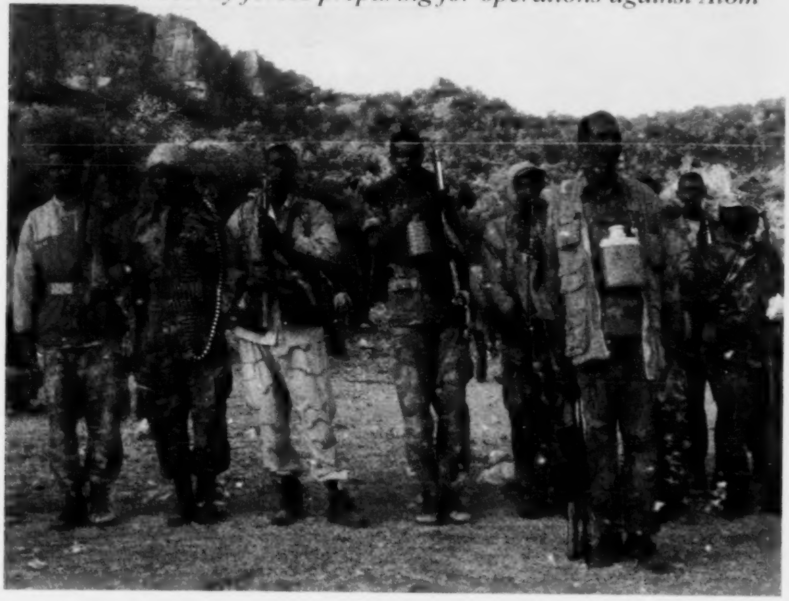
Apr-11	Direct Attacks	Snipers	IEDs	Grenades	Suicide
On target	85	15	1	18	
Recovered/premature detonation					
AMISOM Casualties	9	1			
TFG Casualties	16	3			

Annex 1.2.: Images of materiel recovered from Atom's militia[1]

Mountainous terrain of eastern Sanaag region



Puntland security forces preparing for operations against Atom



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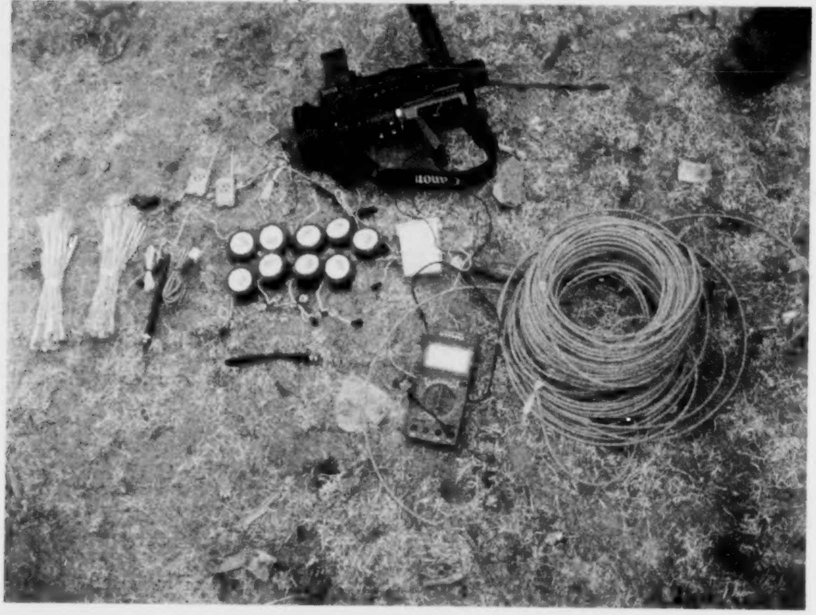
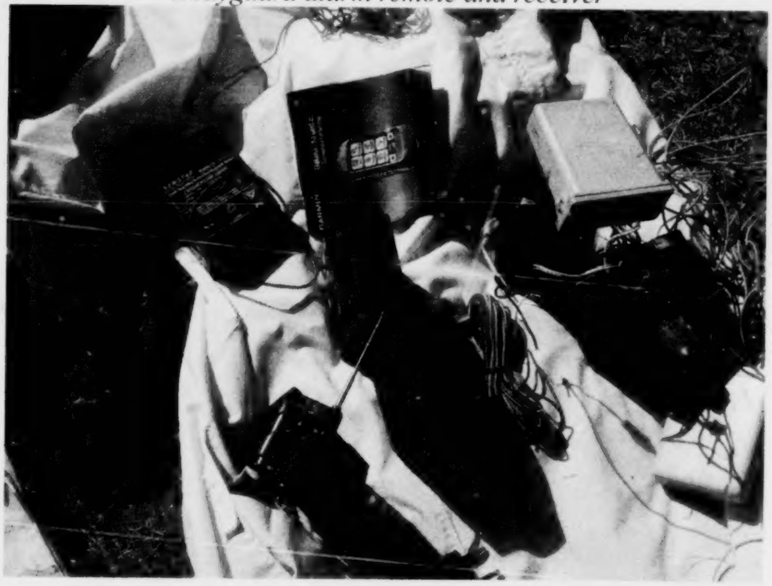
[1] Source: Puntland State of Somalia regional administration

Electrical and explosives-related materials, including detonators and Bodyguard motorcycle alarms



Bodyguard alarm remote and receiver



Small arms, ammunition and other materiel

Annex 1.3.: Case Study: the Sool Sanaag Cayn Army

1. In November 2010, fighting erupted in the areas of Kaalshaale, a rural area to the east of Buuhoodle in southern Togdheer region.[1] The violence initially took the form of small scale skirmishes between clan militias from the Isaaq / Habar Je'elo and the Darod / Harti / Dhulbahante, but rapidly escalated into a large scale conflict, involving the Somaliland armed forces, militia elements affiliated with the Puntland administration and an autonomous militia force calling itself the Sool Sanaag Cayn Army (SSCA). By the time a ceasefire was established, over 100 people had been reported killed and over 150,000 displaced. In April 2011, as serious drought gripped the region, tensions in Sool region remained high, the SSCA remained active, and the threat of renewed violence remained very real – all of which conspired against the provision of assistance to the people who needed it most and threatening a serious humanitarian crisis.

2. The Kaalshaale clashes and the emergence of the SSCA are illustrative of a relatively new and disturbing trend: the 'diasporization' of the Somali conflict. Like several other largely notional Somali 'states' and 'authorities', the SSCA is a project largely conceived, funded and led by members of the Somali diaspora, who have appropriated legitimate local grievances to advance personal political ambitions and – in some cases – to enrich themselves.[2] Although in many cases these entities exist principally in cyberspace and have little or no impact on the ground, in other cases, such as the SSCA, diaspora 'warlords' make effective use of the Internet and social networking media to mobilize and radicalize their constituencies, aggravate hostilities, raise funds and obstruct reconciliation.

Background to the conflict

3. Contested between Somaliland and Puntland, Sool region has long been an area of tension and sporadic violence. Dhulbahante clan elites have been divided between those who support the administration in Hargeysa and — since its establishment in 1998 — the administration in Garowe. In recent years, however, Dhulbahante disaffection with both Somaliland and Puntland has given rise to a growing constituency within the clan that supports neither administration and seeks autonomy within a unitary Somali state. As elsewhere in Somalia, such choices often reflect local competition for power and resources between sub-clan elites.

4. A 2002 visit to the capital of Sool region, Laas 'Anood, by then president of Somaliland, Dahir Rayale Kahin, triggered clashes and the subsequent take-over of the town by pro-Puntland administration. In 2007, shifting politics within the Dhulbahante presented an opportunity for pro-Somaliland forces to recapture the town and establish a new administration. Many Dhulbahante opposed to Somaliland's authority abandoned the town and have yet to return. Sool region has since remained divided but relatively stable, with neither Somaliland nor Puntland eager to engage in direct confrontation with the other for control of the region. But the emergence of the SSCA, which challenges the influence of both administrations, has served as a catalyst for growing tension and

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[1] Referred to by the Puntland administration and many members of the Dhulbahante clan as 'Cayn'.

[2] Other such diaspora projects include Awdal State, Maakhir State, Central State, Banaadirland, Xamar iyo Xamar Daye, Midland Republic and many others.

military escalation, and complicated the prospects of a peaceful, political settlement of the disputed region.

Formation and evolution of the SSCA

5. On 16 October 2009, a conference of eminent personalities from the Dhulbahante clan in Nairobi declared the formation of '*Hoggaanka Mideynta iyo Badbaadinta Gobolada SSC ee Soomaaliya* ('The Unity and Salvation Authority of the SSC Regions of Somalia'), with Suliman Ahmed Issa 'Hagle-Toosiye' as 'President' and Ali Hassan Ahmed 'Sabarey' as his 'Vice President.' The two leaders are, respectively, American and Canadian citizens.

6. One of the driving forces behind the Nairobi conference was the Northern Somali Unionist Movement (NSUM), a broad Dhulbahante diaspora network, chaired since its inception by a Somali from Sweden named Mohamed Ali Mirreh.[3] Formed in 2007, in response to the capture Laas Aanood by a combination of the Somaliland army and affiliated Dhulbahante clan militias, the NSUM moved quickly to declare the formation of a military wing, the Somali Unity Defence Alliance (SOUDA).[4] In an undated communiqué posted on the NSUM website, the NSUM subsequently announced that the name SOUDA would be changed to Sool, Sanaag, and Cayn Army (NSUM/SSCA).[5]

7. The SSCA's initial military efforts under the leadership of Colonel Abdiaziz Garamgaram were unpromising. During the course of 2008, the militia made no appreciable progress against the Somaliland presence in Sool, and Garamgaram himself was accused of misappropriating US$50,000 funds collected on behalf of his forces by the NSUM.[6]

8. In late 2008, Suliman Ahmed Issa 'Hagle-Toosiye', a medical professional from Columbus, Ohio, returned to Somalia to contest Puntland's presidential election. When it became apparent that his status as a member of the Dhulbahante clan and a political unknown made his candidacy unrealistic, he lowered his ambition to the post of Vice President. A member of the Faarah Garaad sub-clan of the Dhulbahante, the three other competitors for the post were from the Mohamud Garaad sub-clan, including the eventual winner, Abdisamad Ali Shire, a prominent military commander.[7] Ten months later, at the Nairobi conference, Xagle Toosiye was elected 'President' of the SSCA instead.

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[3] In a statement to the press on 17 October 2009, NSUM spokesman Osman Hassan Haji Omar stated that a 42-member delegation of the NSUM had participated in the conference and affirmed his movement's political and financial support for its outcomes, including a pledge of cooperation with the SSCA leadership. Accessed at http://www.buhodle.net/index.php/component/content/article/1-latest-news/57-afhayeenka-ururka-nsum-oo-ka-war-bixinaya-shirkii-nairobi-.html.

[4] See "*Digniin Culus Oo Ka Soo Baxday Ururka SOUDA*" ('Grave warning issued by the SOUDA organization'), accessed at http://www.n-sum.org/?q=node/29

[5] "*Bayaan kasoo baxay gudida fulinta NSUM/SOUDA*" ('Announcement from the Executive Committee of the NSUM/SSCA'), undated. Accessed at http://www.n-sum.org/?q=node/30

[6] Interview with Abdirahman Mohame Osman 'Boobe', NSUM representative in Ohio, USA, 9 May 2009. Accessed at http://www.xargaga.net/index.php?name=News&file=article&sid=3885.

[7] Abdisamad Ali Shire is a member of the Dhulbahante / Mohamud Garaad sub-clan; Hagle-Toosiye is from the Dhulbahante / Faarah Garaad. Competition within and between the elites of these sub-clans has helped to define the evolution of the SSCA.

9. Between 2007 and late 2009, the dispute for control of Sool region had been characterized by constant, but low intensity conflict. But the establishment of the SSCA created heightened tension and hostilities soon escalated. The organization engendered mixed feelings within the Dhubahante clan (many of whom perceived it as a political platform for disgruntled Faarah Garaad leaders)[8] and was perceived as a potential threat by leaders in Somaliland, Puntland and Ethiopia. On 21 May 2010, Ethiopian forces launched a raid against SSCA militia in Buuhoodle town, on the Somali-Ethiopian border, an action described by the NSUM as "war crimes and crimes against humanity."[9] When the TFG received a delegation of SSCA leaders in mid-December 2010 and, according to unconfirmed media reports, provided a combination of military and/or financial assistance, Puntland President Faroole responded by accusing unnamed TFG Ministers from Puntland of supporting "anti-peace elements.[10] In return, the NSUM issued a press release pledging its "Unshakable Loyalty to the TFG and Somalia", accusing President Faroole of "betrayal" of the SSC cause.[11]

The Kaalshaale Conflict

10. The clashes at Kaalshaale began as a essentially nomadic dispute over pastoral resources. In late 2010, businessmen from the Isaaq / Habar Je'elo sub-clan constructed some cement water reservoirs (known as *berkedo*) in the Kaalshaale area — a grazing area shared between the Habar Je'elo and neighbouring clans of the Dhulbahante / Faarah Garaad. The construction of the reservoirs was interpreted by the local Dhulbahante as an attempt by the Habar Je'elo to lay claim to the territory, and they resisted with armed force. Attempts to calm the situation by local elders were derailed by a series of provocations on both sides. The Somaliland administration rushed forces to the area — a move widely perceived among the Dhulbahante as supporting their Habar Je'elo adversaries — while the SSCA also mobilized militia for the battle

11. By nomadic standards, the violence in Kaalshaale, and the nearby districts of Hagoogane and Meygaagle, was exceptionally serious. Although reliable statistics are not yet available, Dhulbahante elders told the Monitoring Group that more than 100 people are believed to have been killed,[12] and Somaliland government sources provided UNHCR with an estimate that 33,000 households to have been affected by the violence.[13]

12. Parties on all sides nevertheless seized the opportunity to inflame the situation even further. Civil society figures in Hargeysa told the Monitoring Group that the Chairman of the Guurti (Upper House of Parliament), whose sub-clan members had built the reservoirs that triggered the conflict in the first

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[8] Interviews with Dhulbahante leaders and politicians on 4,5, and 7 April, 2011.

[9] NSUM Press Release, *Ethiopia and Somaliland's unholy alliance against SSC regions*, 24 May 2010. Accessed at http://wardheernews.com/Organizations/NSUM/05_24_10_NSUM_Press_Release.html

[10] The leader figure within the TFG on the SSCA issue is alleged to be Abdikarim Jaama, the current Minister of Information, who like Hagle-Toosiye is a member of the Faarah Garaad sub clan of the Dhulbahante.

[11] NSUM Executive Committee Press Release, *SSC Unshakable Loyalty to the TFG and Somalia*, 24 January 2011. Accessed at http://www.buzzle.com/articles/nsum-denounces-unrepresentative-regimes-puntland-and-somaliland-supports-unity-peace-in-somalia.html.

[12] Interview with two Dhulbahante elders from the Buuhoodle area (Faarah Garaad / Reer Hagar sub clan), 4 April 2011.

[13] Email communication, 21 April 2011.

place, had instigated a campaign to label the SSCA as a 'terrorist' organization and an ally of Al-Shabaab.[14] The NSUM likewise described the Somaliland administration of being the offspring of a "terrorist organization" and accused it of committing a "war crime" in the Buuhoodle area.[15]

13. The SSCA's description of the situation appears to have been exaggerated for propaganda purposes. In a press release dated 1 March 2011, the "SSC Regional Administration of Somalia" stated:

> So far hundreds have been killed in the battleground, more than a thousand are wounded, and tens of thousands are displaced, as a result of the war. The two opposing armies (numbering in the thousands and heavily armed) are holding on their positions with the fighting on and off on a daily basis. However, the SSC forces have achieved consecutive victories as they repulsed the repeated attacks of the secessionist camp in numerous times inflicting them serious casualties.[16]

14. This account appears to validate criticism of the SSCA offered by Dhulbahante elders from the Buuhoodle area (including one whose father and uncle were killed by Somaliland forces). By their account, the SSCA has dramatically exaggerated its own size and role in an attempt to attract additional funding from the diaspora:

> "They [the SSCA] are entirely dependent on external funding. They get money, cause trouble, and use that to raise more money […] The fighting at Kaalshaale was really between two clans over land, but the SSCA provided ammunition and fuel […] Their forces were kept mainly at Dharkeyn, not at Kaalshaale, since no other community will accept them."[17]

15. Ultimately, the Kaalshaale clashes were resolved by a three-point agreement:

- Somaliland forces were withdrawn from the immediate area
- The reservoirs were buried (and the Somaliland authorities offered compensation to their 'owners')
- All prisoners on both sides were released

16. The incident has nevertheless further damaged relations between the Dhulbahante and the authorities in Hargeysa, and the root causes of tension in the region remain very much intact. In the absence of genuine political dialogue, the situation in Sool region remains ripe for the SSCA or other spoilers to reignite armed conflict.

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[14] Interviews with civil society figures and elders, 3-7 April 2011.

[15] NSUM Press Release, *Somaliland Militia unleash new aggression in Buuhoodle Region*, 1 February 2011. Accessed at http://www.n-sum.org/?q=node/1.

[16] SSC Regional Administration of Somalia, *EU Delegation's Recent Statement on the Conflict in the Sool, Sanaag, and Cayn regions of Somalia Does not Reflect the facts on the Ground*, 1 March 2011. Accessed at http://www.boocame.com/?p=11329

[17] Interviews with Dhulbahante elders, 4 April 2011.

Analysis

17. In the assessment of the Monitoring Group, the SSCA can be characterized as an opportunistic and arguably mercenary militia force that has successfully appropriated legitimate local grievances and exploited radical diaspora sentiment for its own political and financial gain. Although not responsible for instigating the Kaalshaale incident, the NSUM/SSCA leadership moved quickly to escalate the conflict and incite inter-communal conflict. Political entrepreneurs in the Somaliland camp were also quick to portray the conflict in terms that would justify military escalation and impede reconciliation.

Annex 2

Al-Shabaab as a regional threat

Annex 2.1.: Case study: the '11/7' Kampala Bombings

1. On 11 July 2010, near-simultaneous bombings killed 79 people at a rugby club and an Ethiopian restaurant in Kampala, where crowds had gathered to watch live broadcasts of the World Cup football championships.[1] A third explosive device failed to detonate.

2. Investigations to date have revealed a complex plot involving mainly Kenyan conspirators operating principally between Kenya and Uganda, including several individuals who allegedly received military training from Al-Shabaab in Somalia.

3. Phone records from a mobile handset attached to a suicide vest that failed to detonate have provided investigators with insights into the communication patterns of the conspirators. Together with testimony from suspects who have been apprehended, a fairly comprehensive picture of the plot has begun to emerge. The Monitoring Group has since been given access to some of the official accounts and criminal files relating to the blasts.

4. The principle suspect and alleged mastermind of the plot is a Kenyan national named Omar Awadh Omar, who was charged by Ugandan prosecutors in September 2010, together with a the Chairman of Kenya's Muslim Human Rights Forum, Al Amin Kimathi. Another key suspect in the planning of the attacks is a Somali known as "Jabir", who allegedly served as an explosives instructor for Al-Shabaab under direct command of Ahmed Abdi Godane, the group's 'Amir' who had links to other senior figures in Al-Shabaab and Al-Qaeda East Africa. He is known to have visited Uganda at least four times before the July 2010 attack, and was allegedly captured on CCTV footage in Kampala prior to the attacks.

5. According to investigators, a Kenyan national named Mohamed Ali Mohamed, who is believed to have trained with Al-Shabaab in Somalia,[2] allegedly brought explosive material from Somalia to Mombasa, where he may have obtained additional components for the bombs. By this account, Mohamed left the explosives with an associate in Kenya, then proceeded to Uganda where he later acted as the focal point for assembly of the explosive devices.

6. Meanwhile, law enforcement officials believe that Hijar Selemen Nyamandondo, a Tanzanian national, travelled by Landcruiser from Tanzania to Kenya in late April 2010, where he collected the suicide vests before proceeding to Kampala in early May.

7. Investigators believe that two Kenyan nationals, Hussein Hassan Agade — also believed to have received training from Al-Shabaab in Somalia — and Idris Christopher Magondu were responsible for arranging safe houses in Uganda, including in the western town of Mbale, and facilitated the transfer of the suicide bombers between Kenya and Uganda.

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[1] http://www.bbc.co.uk/news/10593771

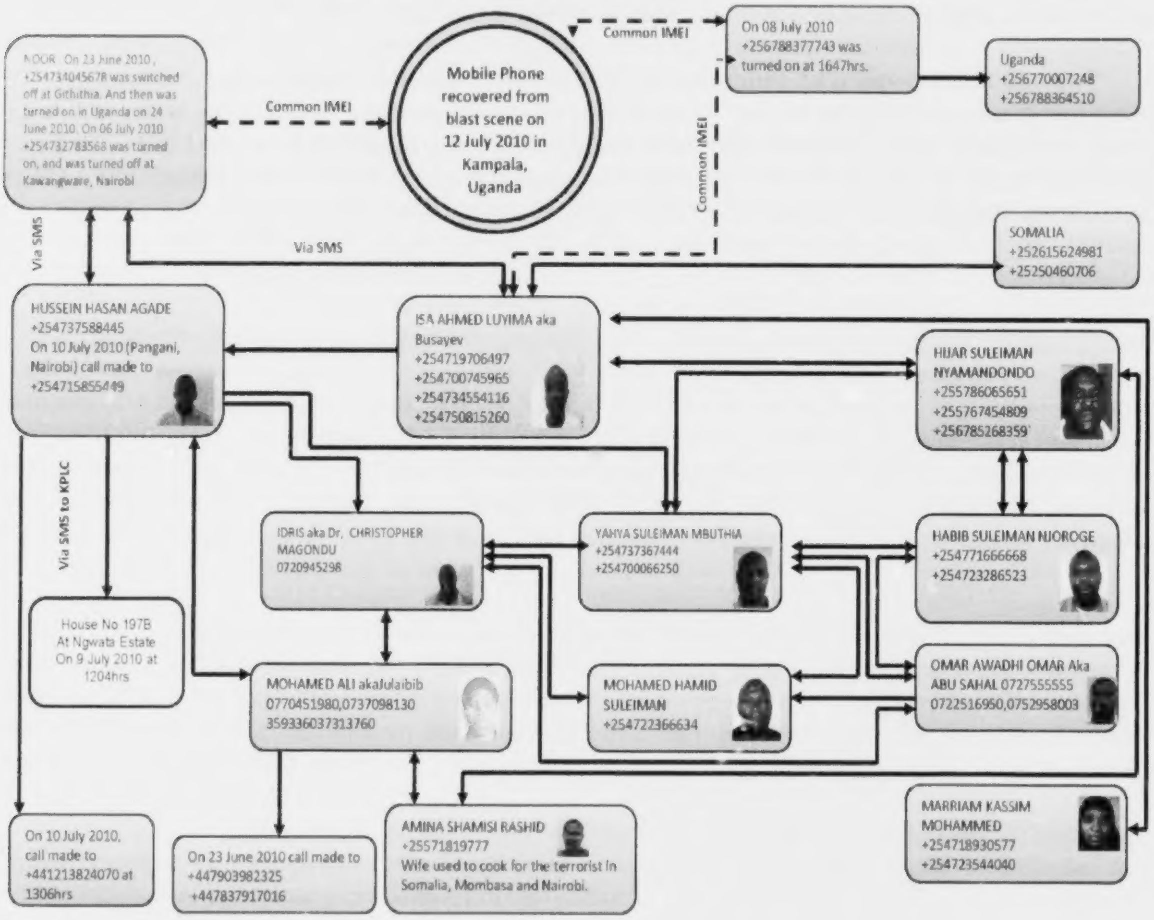
[2] According to an alleged police report leaked to the media. See, for example, Steven Candia and agencies, *Uganda detains top al-shabaab commander*, New Vision Online, access at http://www.newvision.co.ug/detail.php?newsCategoryId=12&newsId=732933

8. The suicide bombers apparently included a Ugandan national named Kakasule, allegedly trained in Somalia in 2009, an unknown male of Somali origin, and Hassan Luyima, another Ugandan national whose explosive device failed to detonate. The phone recovered from his vest belonged to his brother, Issa Ahmed Luyima, who had allegedly been radicalized in Kenya and Tanzania, before training with Al-Shabaab in Somalia. Records from Luyima's phone demonstrate communications between him and Ismael Kaigwa (aka "Dino), who trained with Luyima in Somalia and is believed to have been involved in military operations against AMISOM.

9. Two additional suspects of Tanzanian and Kenyan origin, who are believed to have been involved in the logistical aspects of the operation, and whose phone numbers are linked to the wider network of conspirators, have also been in contact with three Moroccan nationals who were arrested in Kenya while attempting to cross into Somalia between April and May 2010. Such international linkages appear to indicate an even wider network of A-Shabaab cooperation and influence.

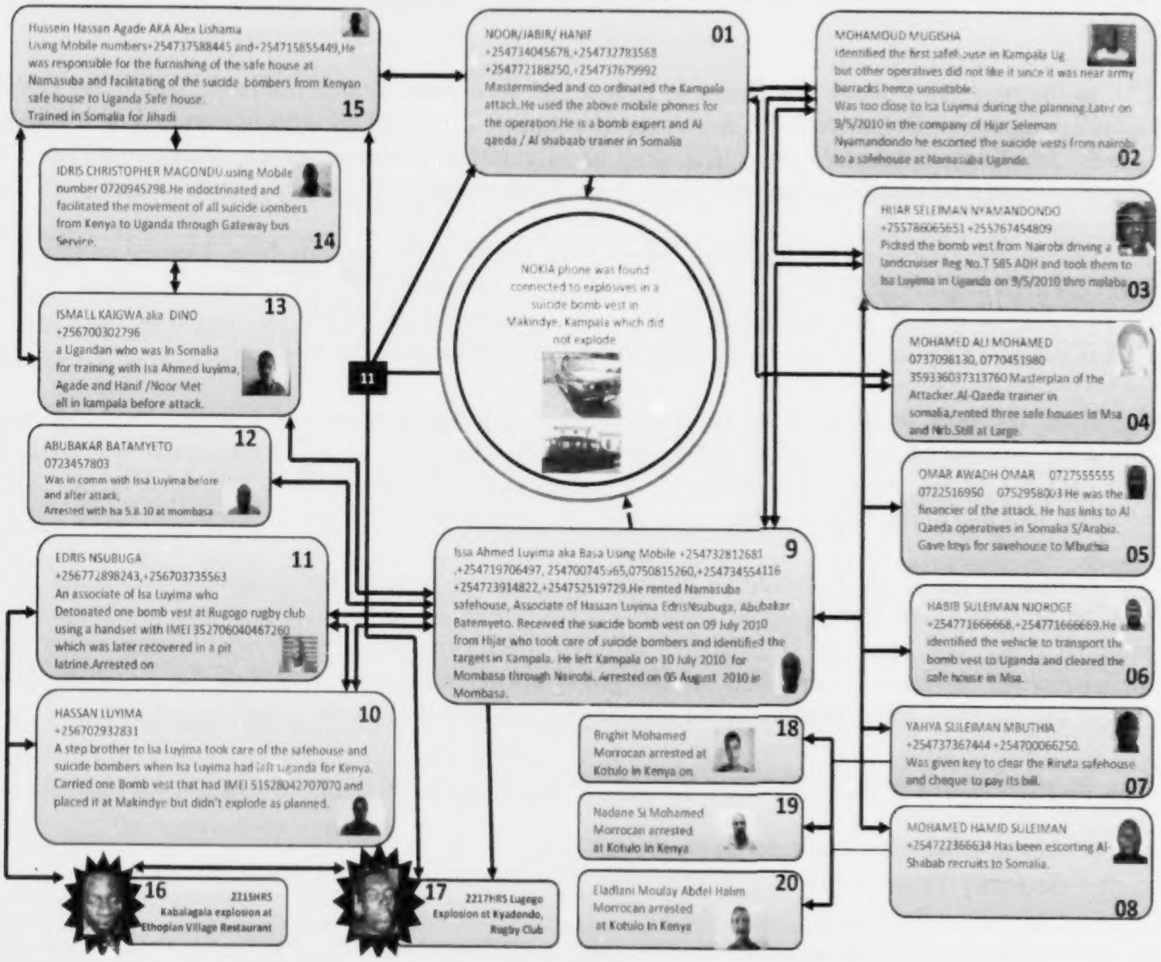
Annex 2.1.a.: Mobile phone linkages to key suspects of the Kampala bombings, 11 July 2010

Mobile Phone Linkages to Key Suspects of the Kampala Bombings, 11 July 2010


NOOR . On 23 June 2010 , +254734045678 was switched off at Githithia. And then was turned on in Uganda on 24 June 2010. On 06 July 2010 +254732783568 was turned on, and was turned off at Kawangware, Nairobi
Common IMEI
Mobile Phone recovered from blast scene on 12 July 2010 in Kampala, Uganda
Common IMEI
On 08 July 2010 +256788377743 was turned on at 1647hrs.
Uganda +256770007248 +256788364510
Common IMEI
Via SMS
Via SMS
SOMALIA +252615624981 +25250460706
HUSSEIN HASAN AGADE +254737588445 On 10 July 2010 (Pangani, Nairobi) call made to +254715855449
ISA AHMED LUYIMA aka Busayev +254719706497 +254700745965 +254734554116 +254750815260
HIJAR SULEIMAN NYAMANDONDO +255786065651 +255767454809 +256785268359
Via SMS to KPLC
IDRIS aka Dr, CHRISTOPHER MAGONDU 0720945298
YAHYA SULEIMAN MBUTHIA +254737367444 +254700066250
HABIB SULEIMAN NJOROGE +254771666668 +254723286523
House No 197B At Ngwata Estate On 9 July 2010 at 1204hrs
MOHAMED ALI akaJulaibib 0770451980,0737098130 359336037313760
MOHAMED HAMID SULEIMAN +254722366634
OMAR AWADHI OMAR Aka ABU SAHAL 0727555555 0722516950,0752958003
On 10 July 2010, call made to +441213824070 at 1306hrs
On 23 June 2010 call made to +447903982325 +447837917016
AMINA SHAMISI RASHID +25571819777 Wife used to cook for the terrorist in Somalia, Mombasa and Nairobi.
MARRIAM KASSIM MOHAMMED +254718930577 +254723544040

Annex 2.1.b:
Summary of mobile phone linkages and activities of key suspects of the Kampala bombings, 11 July 2010

Summary of mobile phone linkages and activities of key suspects of the Kampala Bombings, 11 July 2010



01
NOOR/JABIR/ HANIF
+254734045678,+254732783568
+254772188250,+254737679992
Masterminded and co ordinated the Kampala attack.He used the above mobile phones for the operation.He is a bomb expert and Al qaeda / Al shabaab trainer in Somalia

02
MOHAMOUD MUGISHA
identified the first safehouse in Kampala Ug but other operatives did not like it since it was near army barracks hence unsuitable.
Was too close to Isa Luyima during the planning.Later on 9/5/2010 in the company of Hijar Seleman Nyamandondo he escorted the suicide vests from nairobi to a safehouse at Namasuba Uganda.

03
HIJAR SELEIMAN NYAMANDONDO
+255786065651 +255767454809
Picked the bomb vest from Nairobi driving a landcruiser Reg No.T 585 ADH and took them to Isa Luyima in Uganda on 9/5/2010 thro malaba

04
MOHAMED ALI MOHAMED
0737098130, 0770451980
359336037313760 Masterplan of the Attacker.Al-Qaeda trainer in somalia,rented three safe houses in Msa and Nrb.Still at Large.

05
OMAR AWADH OMAR 0727555555
0722516950 0752958003 He was the financier of the attack. He has links to Al Qaeda operatives in Somalia S/Arabia.
Gave keys for savehouse to Mbuthia

06
HABIB SULEIMAN NJOROGE
+254771666668,+254771666669.He identified the vehicle to transport th bomb vest to Uganda and cleared the safe house in Msa.

07
YAHYA SULEIMAN MBUTHIA
+254737367444 +254700066250.
Was given key to clear the Riruta safehouse and cheque to pay its bill.

08
MOHAMED HAMID SULEIMAN
+254722366634 Has been escorting Al-Shabab recruits to Somalia.

9
Issa Ahmed Luyima aka Basa Using Mobile +254732812681 ,+254719706497, 254700745565,0750815260,+254734554116 +254723914822,+254752519729.He rented Namasuba safehouse, Associate of Hassan Luyima EdrisNsubuga, Abubakar Batemyeto. Received the suicide bomb vest on 09 July 2010 from Hijar who took care of suicide bombers and identified the targets in Kampala. He left Kampala on 10 July 2010 for Mombasa through Nairobi. Arrested on 05 August 2010 in Mombasa.

10
HASSAN LUYIMA
+256702932831
A step brother to Isa Luyima took care of the safehouse and suicide bombers when Isa Luyima had left Uganda for Kenya. Carried one Bomb vest that had IMEI 51528042707070 and placed it at Makindye but didn't explode as planned.

11
EDRIS NSUBUGA
+256772898243,+256703735563
An associate of Isa Luyima who Detonated one bomb vest at Rugogo rugby club using a handset with IMEI 352706040467260 which was later recovered in a pit latrine.Arrested on

12
ABUBAKAR BATAMYETO
0723457803
Was in comm with Issa Luyima before and after attack,
Arrested with Isa 5.8.10 at mombasa

13
ISMALL KAIGWA aka DINO
+256700302796
a Ugandan who was In Somalia for training with Isa Ahmed luyima, Agade and Hanif /Noor Met all in kampala before attack.

14
IDRIS CHRISTOPHER MAGONDU.using Mobile number 0720945298.He indoctrinated and facilitated the movement of all suicide bombers from Kenya to Uganda through Gateway bus Service.

15
Hussein Hassan Agade AKA Alex Lishama
Using Mobile numbers+254737588445 and+254715855449,He was responsible for the furnishing of the safe house at Namasuba and facilitating of the suicide bombers from Kenyan safe house to Uganda Safe house.
Trained in Somalia for Jihadi

16
2215HRS
Kabalagala explosion at Ethopian Village Restaurant

17
2217HRS Lugogo Explosion at Kyadondo, Rugby Club

18
Brighit Mohamed
Morrocan arrested at Kotulo In Kenya on

19
Nadane Si Mohamed
Morrocan arrested at Kotulo In Kenya

20
Eladlani Moulay Abdel Halim
Morrocan arrested at Kotulo In Kenya

NOKIA phone was found connected to explosives in a suicide bomb vest in Makindye, Kampala which did not explode

Annex 2.2.: Case study: Muslim Youth Centre

1. The Monitoring Group has learned of extensive Kenyan networks linked to Al-Shabaab, which not only recruit and raise funds for the organization, but also conduct orientation and training events inside Kenya. Similar, but smaller networks, are believed to exist elsewhere in East Africa, and Al-Shabaab has also established functional linkages with jihadist groups in north, west, and southern Africa.

2. In the past, Al-Shabaab's presence in Kenya has been concentrated primarily within the ethnic Somali community. But since 2009, the Group has rapidly expanded its influence and membership to non-Somali Kenyan nationals who, according to Monitoring Group estimates, today constitute the largest and most structurally organized non-Somali group within Al-Shabaab.[1]

3. During the course of this mandate, Monitoring Group investigations have focused principally upon the activities of the Muslim Youth Center (MYC), commonly known as Pumwani Muslim Youth (PMY). One of several pro Al-Shabaab indigenous Kenyan groups, the MYC is operationally active both in Kenya and Somalia with strong links to other East African countries.[2]

4. From its roots as an informal self-help group in the Majengo area of Nairobi, the MYC was officially established in December 2008, and swiftly evolved from a 'rights forum' claiming to articulate the social, economical and religious grievances of impoverished and disaffected young Muslims into one of the largest support networks for Al-Shabaab in Kenya.

5. Officially, the MYC Constitution defines the group as a 'community based-organization' that aims to provide youth with religious counselling; to further the cause of Islam; and to advance and promote peace and peaceful co-existence through the championing of justice, human rights and inclusiveness.[3] In practice, members of the group openly engage in recruiting for Al-Shabaab in Kenya and facilitate travel to Somalia for individuals to train and fight for 'jihad' in Somalia.

6. In Nairobi, the principal leaders of MYC include:

- Acting-Chairman/Amiir: Idriss Nyaboga[4]
- Secretary: Hussein Ally
- Organizing Secretary: Abdi Mohamed
- Treasurer: Abdi Mohamed Mbithuka; and
- Coordinator: Mohamed Musa "Bamer"[5]

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[1] According to a former MYC member who had fought in Somalia in 2009 and returned to Kenya in 2010, this core group of African 'foreign fighters' has been actively engaged in Somalia as early as 2006 or 2007. Interview, 9 March 2011.

[2] The Monitoring Group is currently investigating two other indigenous Kenyan groups with reported links to Al-Shabaab.

[3] For MYC Constitution, 2.2.a

[4] The Monitoring Group has learned that since the departure of Ahmad Iman Ali to Somalia in 2009, Muslim Youth Centre (MYC) continues to have acting Chairmen / 'Amiirs' to oversee its affairs in Kenya. To date, there have been four: Jafar Ismail; Ismail Abubakar aka Amiir Mzungu; Abass Mwai; and Idriss Nyaboga.

7. In Somalia, the MYC chain of command comprises:

- Amiir/Chairman: Ahmad Iman Ali;
- Senior Commander: Juma Ayub Otit Were "Taxi driver";
- Senior Commander: Suleiman Irungo Mwangi "Karongo" aka Habib[6]
- Senior Commander: Mohamed Murithi "General";
- Senior Commander: Wahome Tajir Ali "Abu Jafar"; and
- Commander: Ramadan Osao "Captain".

MYC and Al-Shabaab

8. MYC's ideological orientation appears to have been strongly influenced by Sheikh Aboud Rogo,[7] a Kenyan Islamic cleric, based in Mombasa, who is an open advocate of Al-Shabaab and is suspected of direct links with the organization. Rogo was charged in 2002 with alleged involvement in the Al-Qaeda bombing of the Paradise Hotel near Mombasa, but acquitted in 2005 for lack of evidence.[8] In December 2010, he was again arrested and charged in connection with an explosion near a Kampala-bound bus in the capital Nairobi.[9]

9. Rogo's association with the MYC was initially established by Ahmad Iman Ali, who was a student at Rogo's religious school in Mombasa, but since Ahmed Iman's departure for Somali, Togo's main point of contact has been Sylivester Opiyo Osodo (aka 'Musa') who heads MYC's resource center. Opiyo has made regular visits to Rogo in Mombasa and arranges Rogo's travel itinerary to and from Majengo, where the Sheikh has delivered lectures to the MYC membership.[10] Rogo's inspirational videos are distributed widely by MYC members for the purposes of radicalization and recruitment into Al-Shabaab. Prior to his arrest in 2010, Rogo reportedly travelled to Somalia for six months — apparently to bolster his credentials as a 'jihadist' — where he was hosted by Al-Shabaab.[11]

10. Other members and associates of the Pumwani Muslim Youth (PMY), the MYC's predecessor, are believed to have begun making visits to Somalia as early as 2006.[12] According to multiple sources in Majengo interviewed by the Monitoring Group, among the first of these was Juma Ayub Otit Were

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[5] In a 22 March 2011, interview with the Monitoring Group, "Bamer" claimed to be part of an MYC faction opposed to its members joining Al-Shabaab in Somalia.

[6] "Karongo" was widely reported killed in early 2009, but a recent audio recording obtained by the Monitoring Group appears to indicate that he is still alive, using the pseudonym "Habib". Laura Zuena Mwangi, "Karongo's" sister, positively identified "Habib's" voice be that of her brother on 14 May 2011.

[7] On 12 and 13 May 2011, the Monitoring Group was given access to the video archives of MYC and obtained video evidence of Sheikh Ali Bahero, Sheikh Hassan, Abu Katada and Abu Nuseyba offering pro-jihad lectures to MYC members.

[8] Andrew England, *Kenya struggles to tackle threat of terrorism*, Financial Times July 29 2005, accessed at http://www.ft.com/cms/s/0/c63a3f3a-ffed-11d9-86df-00000e2511c8.html#axzz1LwSJ677Q

[9] Reuters, *Kenya charges two with al-Shabaab membersh*ip, 22 December 2010, accessed at http://af.reuters.com/article/worldNews/idAFTRE6BL2S620101222

[10] Interview with a former MYC member on 9 March 2011, and a serving MYC member on 10 April 2011.

[11] Multiple independent sources, and an official Kenyan source on 1 April 2011.

[12] On 14 May 2011, the Monitoring Group interviewed "Zuena" the sister of Suleiman Irungo Mwangi "Karongo" who confirmed that her brother ("Karongo") had left for Somalia around this period. "Zuena" believes that her brother who at the time had recently converted to Islam was taken to Somalia by the "Taxi driver" (Juma Ayub Otit Were).

"Taxi Driver"[13], who has since been instrumental in smuggling other MYC members across the border. A number of other 'brokers' involved in human smuggling have also aided Kenyan Al-Shabaab supporters to travel to Somalia, using several Eastleigh Hotels, including Royal Hotel in Eastleigh, Nairobi as points of departure.[14] These brokers exploit Kenya's proximity to Somalia, its porous borders and corrupt border and security officials in order to facilitate the passage of MYC members and other indigenous to travel to Somalia on their '*hijra*' to fight alongside Al-Shabaab.

11. The growing numbers of MYC members and other indigenous Kenyans involved in the Somali conflict has not escaped notice. On 15 July 2008, an Al-Shabaab force of 30-40 fighters, including an MYC member named Mohamed Juma Rajab (aka Qa'Qa "Kadume"), ambushed a column of TFG and Ethiopian forces 60km from Baidoa at Bardaale. In the course of the fighting, Qa'Qa, an RPG shooter, was killed. After the incident, a senior Al-Shabaab commander, Al-Amiriki is seen in a video titled *"Ambush at Bardale"* eulogizing Qa'Qa's as an ideal Mujahedeen. In a further acknowledgement of the Kenyans' role within Al-Shabaab ranks, a senior MYC member, Wahome Tajir Ali "Abu Jafar", is featured in a November 2010 Al-Shabaab video release, which Monitoring Group believes to be a recruitment pitch targeting Swahili-speaking Africans.[15]

12. On 20 March 2011, Ras Kamboni militia under the command of Sheikh Ahmed Madobe, together with Kenyan-trained TFG forces, attacked Al-Shabaab militias in the district of Dhobley in Lower Juba. After several hours of heavy fighting Ras Kamboni militia and TFG forces retreated. The Monitoring Group has since learned that several members of the Kenyan contingent in Somalia fought alongside Al-Shabaab during this clash, including an MYC commander named Ramadan Osao "Captain". In a telephone call from Dhobley to a key Pumwani Riyadha Mosque Committee (PRMC) member on 21 March 2011, "Captain" described Al-Shabaab's victory over the Ras Kamboni forces and cited the "victory" as justification for more members of MYC to travel to Somalia to join the ranks of Al-Shabaab.[16]

13. The Muslim Youth Center (MYC) is based in Nairobi, but has also developed a strong network of members and sympathizers in areas such as Eldoret, Garissa and Mombasa. The Kenyan chapter's core responsibilities include addressing the social and economic needs of its membership[17], preparing members to "cross-over"[18] into Somalia for 'jihad',[19] outreach, and propaganda.

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[13] Interviews with multiple sources, including a relative of Juma Ayub Otit Were "Taxi driver" on 10 April 2011, In March 2011, the Kenyan security agencies issued an arrest alert for Juma Ayub Otit Were "Taxi driver".

[14] Interview with a Kenyan former Al-Shabaab fighter, Nairobi, 23 March 2011. The source claimed he had been lodged at the hotel en route to Somalia by immigration "broker" in 2009. The Royal Hotel management has provided contradictory responses to Monitoring Group requests for information and has declined request to provide access to its booking and guest records.

[15] Accessed at http://ia700200.us.archive.org/1/items/t-222/And-Inspire-The-Believers.rm

[16] Some PRMC members frequently receive updates from MYC members in Somalia. The Monitoring Group has identified one key PRMC official who has received numerous calls from MYC commanders, including 'Amiir' Ahmad Iman Ali.

[17] For MYC associates and known members in East Africa, see Annex 2.2.b.

[18] The phrase "cross-over" in Majengo and among MYC members is used to describe when an individual has or is intending to travel to Somalia to join Al-Shabaab.

[19] During the course of 2009, the Monitoring Group learned from both current and former MYC members, that following a decision by its 'Amiir', Ahmad Iman Ali to embark on a Hijra to Somalia in 2009, an aggressive attempt ensued to radicalize and recruit for the purposes of supporting Al-Shabaab.

14. Since 2008, the Monitoring Group has learned that a weekly newsletter, Al-Misbah[20] published by MYC for its Kenyan audience has disseminated extremist material in support of both Al-Shabaab and Al Qaeda. In a series of weekly issues from 9 October to 26 November 2009, under the headline *"Jihaad is our Religion"*, Al Misbah published a seminal article of Anwar al Awlaki, a senior Al Qaeda figure based in Yemen, entitled *"44 Ways of Supporting Jihaad"*, which encouraged readers to support the 'mujahideen' with moral support, by paying their expenses, contributing to their medical needs, and spreading the writings of the Mujahideen and their scholars.[21]

15. The same edition included a number of related articles, including a critique of TFG by a Sheikh Abu Muhammed al-Maqdisi, entitled *"A Message in Support of Mujahideen in Somalia and Exposing The Suspicions of Dajjaal Scholars"*,[22] which openly praised the leadership of Al-Shabaab and offered an 'Islamic critique' of President Sheikh Sharif Ahmad's ties with the West. In addition to the article, Al-Misbah also advertised the sale of Jihad T-shirts, which included children's sizes, bearing the inscription *"Jihaad is our Religion"*.

16. Information and video evidence presented to the Monitoring Group confirms that the T-shirts advertised in Al-Misbah were in fact part of a consignment used during a 'jihad training session' for young children at Masjid Nuur (Nuur Mosque) in Kawangware, Nairobi on 20 October 2009.[23] During an initial interview with the Monitoring Group, the Imam of the mosque denied that MYC had used the Mosque to recruit for Al Shabaab. But when presented with a photo of one of the young participants who had attended the MYC session, [24] he admitted that such an event must have taken place secretly at the Mosque.[25] The Imam also told the Group that Idris Christopher Magondu, an MYC associate who is currently in detention in Kampala for his alleged role in the Kampala bombings of July 2010, had frequented the mosque on numerous occasions.[26]

17. 'Jihad training sessions' typically consist of classroom-based lectures using examples of 'Islamic struggles' such as conflicts in Afghanistan, Iraq, and Yemen; profiles of certain radical clerics and their ideologies; and videos of previous MYC events.[27] They may also involve outdoor activities. One such event took place on 27 September 2009, at the Sir Ali Muslim Club in Nairobi. Although advertised as an "Eid funfair and celebration" with camel-rides and other entertainment, the Monitoring Group has obtained photographic evidence that MYC held a 'jihad training exercise' at the grounds on 27 October 2009, attended by at least 50 MYC members wearing combat style waistcoats

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[20] For Al-Misbah newsletter and articles, see 2.2.c.

[21] Al-Misbah newsletter, issue 087, 6 November 2009.

[22] Al-Misbah newsletter, issue 085, 23 October 2009.

[23] MYC Training session, "Jihaad Katika Misingi Ya Quraan Na Sunnah", 20 October 2009, accessed at http://www.archive.org/details/JihaadKatikaMisingiYaQuraanNaSunnah. The video depicts approximately 20-30 children in a classroom, listening to Amiir Ahmad Iman's lecture on jihad. One young is wearing a "Jihad is our Religion" T-shirt.

[24] For photo of young boy at jihad recruitment session by MYC, see Annex 2.2.d.

[25] Interview, 20 April 2011.

[26] According to governmental sources, Idris Christopher Magondu facilitated the movement of the Kampala suicide bombers from Kenya to Uganda through Gateway Bus Service. Monitoring Group sources inside MYC also confirm the close links between Idris and its members.

[27] Such as an MYC recruitment session that took place from 24 to 26 December 2009 in Nyeri, organized by Sheikh Ali Bahero and allegedly sponsored in part by PRMC (Pumwani Riyadha Mosque Committee).

with the inscription *"Jihaad is our Religion"*.[28] Rental of the club premises was covered by a deposit of KES 35,000 by an individual named 'Feisal Musa' on behalf of the Park Road Youth Group — a partner Muslim youth group with close links to MYC 'Amiir' Ahmad Iman Ali.[29] After initial denials and contradictory testimonies, the Sir Ali Muslim Club Manager and some Committee members now acknowledge that this event did take place, but do not admit that any para-military training took place.[30]

18. In January 2010, MYC had a further opportunity to exhibit its commitment to Al-Shabaab. Early in the month, Jamaican Muslim preacher, Abdullah al-Faisal had been arrested by the Kenyan authorities. In response, MYC members led by Mohamed Murithi "General"[31] planned and participated in violent demonstrations in the Nairobi town centre,[32] which were captured in a 45-minute video produced by MYC's media wing, Hijra Media, entitled *"Nairobi Intifada, 15 January 2010"*. The video is accompanied by a background theme song "*Nairobi Tutafika*" sung by Wahome Tajir Ali "Abu Jafar" an MYC commander based in Somalia and close confidant of 'Amiir' Ahmed Iman Ali. The video opens with the Al-Shabaab logo, and a message from MYC pledging that the "Muslim youth of Kenya support our Mujahideen brothers in Somalia..." and includes footage of deceased Kenyan Al Qaeda figure, Saleh Al Saleh Nabhan. The Monitoring Group has positively identified a number of MYC members who appear in the video wearing 'jihad' T-shirts and carrying the Al-Shabaab flag while engaging in violence against Kenyan security officials.[33]

Extending the 'jihad' to Kenya

19. Ahmad Iman Ali, the "Amiir of MYC" and "Amiir of Majengo"[34] has more recently emerged as the 'Amiir' of East African jihadists in Somalia.[35] Having based himself in Somalia since 2009, he is currently believed to command an estimated force of between 200 and 500 fighters, most of whom are Kenyans, and specifically MYC members — including minors[36] — from Majengo who have been motivated by his persistent proselytizing.[37] Ahmed Iman's success in recruiting fighters and mobilizing funds for the cause, appear to have earned him steady ascendancy within Al-Shabaab.[38] The Monitoring Group believes that he now intends to conduct large-scale attacks in Kenya, and possibly elsewhere in East Africa.

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[28] See Annex 2.2.e

[29] See Annex 2.2.f

[30] Interviews on 26 and 31 March 2011. The Monitoring Group also notes that this event did not have a police permit, which would normally be required, for public events at the Club.

[31] Mohamed Murithi "General" is believed to be a MYC senior commander currently in Somalia and originally from the Dandora Estate in Nairobi.

[32] For pictures of MYC members at the al-Faisal demonstrations on 15 January 2010, see Annex 2.2.g.

[33] MYC DVD produced by Hijra media, "Nairobi Intifada, 15 January 2010", sourced on 17 March 2011

[34] The Monitoring Group has been told by numerous MYC informants that the 'Amiir' of MYC is by right the 'Amiir' of Majengo (Muslim youth).

[35] See Annex 2.2.h

[36] Interview with two minors from MYC, 21 April 2011

[37] Interview on 25 March 2011 with a former MYC combatant who had served four months in Somalia, including in Bardale and Kismayo.

[38] Interview on 25 March 2011.with a former MYC fighter who had fought alongside Al-Shabaab in 2010. The source stated he was taken to see 'Amiir' Ahmad Iman Ali immediately upon arrival in Somalia.

20. During a 13 September 2010 lecture, addressing MYC combatants and other Swahili-speaking fighters in Somalia, Ahmad Iman dissuaded Kenyan Muslims from engaging in national politics, urging them instead to *"Chinja" (cut)*, *"Chonga" (peel)* and *"Fiyeka" (slash)"* the throats of the [Kenyan] infidels and "to hit back and cause blasts [in Kenya]" similar to the Kampala bombings.[39]

21. In another undated message, uploaded to the Internet on 30 December 2010, Ahmad Iman encouraged MYC members to begin jihad in Kenya by attacking its institutions. Part of the message urged its members to contemplate "...a man who says, strap the bombs on me and let me blow myself up in the Parliament building of Kenya".[40]

22. On 7 March 2011, Kenyan security officials issued an alert against nine MYC members suspected to have trained in Somalia.[41] Among the MYC members listed in the alert were:

- Juma Ayub Otit Were "Taxi Driver", a senior MYC commander in Somalia serving with Al-Shabaab;
- Abass Mohamed Mwai a combatant fighting in Somalia alongside Al-Shabaab;
- Sylivester Opiyo Osodo aka 'Musa', a close confidant of Kenyan Sheikh Aboud Rogo who serves as MYC's 'librarian' in charge of its resource center; and
- Abdulrahman Mutua Daud.

23. A serving MYC member independently informed the Monitoring Group that members have been returning to Kenya from Somalia since late 2010, with a view to conducting possible operations in Kenya, at the direction of Amiir Ahmad Iman.[42] The same sources have indicated that some MYC members not mentioned in the alert are currently in hiding in Mombasa, but continue to be supported financially by MYC and its supporters.[43] They have also shown the Monitoring Group an MYC 'safe house' 60 kilometers from Nairobi, previously used by MYC senior commander, Juma Ayub Otit Were "Taxi driver" and other MYC members.

24. On 9 October 2009, MYC advertising through its Al-Misbah newsletter urged members to attend a MYC symposium from 10 to 11 October 2009. Among the speakers of the symposium were Sheikh Ali Bahero[44] and 'Amiir' Ahmad Iman Ali.[45] On 10 October 2009, Sheikh Ali Bahero delivered a lecture titled *"Role of the Youth in Da'wah"*, which focused primarily on preparing for Jihad and how to reach Somalia. In the video of the symposium viewed by the Monitoring Group, Ali Bahero is seen justifying child recruitment of Al-Shabaab in saying: "...the prophet was recruiting children [for Jihad] from the age of 13. Al-Shabaab is doing the same; similar to what the prophet did". In addition, he is also featured describing to his MYC audience travel routes to Somalia from Nairobi by telling them:

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[39] Uploaded to the internet on 23 December 2010. Accessed at http://www.archive.org/details/UnyongeKatikaUmmahWaKiislamu3.

[40] Muslim Youth Center. "Unyonge Katika Ummah Wa Kiislamu part 2", accessed at http://www.archive.org/details/UnyongeKatikaUmmahWaKiislamu2

[41] The Monitoring Group has obtained information indicating that approximately twenty MYC members entered Kenya from Somalia in February 2011.

[42] Interviews with current and former MYC members, February-April, 2011

[43] Interviews with current and former MYC members, February-April, 2011.

[44] According to Monitoring Group sources in MYC, Sheikh Ali Bahero remains one MYC's most prolific visiting clerics.

[45] Al-Misbah newsletter, issue 083, 9 October 2009.

> "…let's not be hasty. We have to have a plan. If I want to get to where [President Sheikh Sharif Ahmad] Sharif is I have to catch a bus from Nairobi to Malindi, and then get to Lamu and then get onto a boat to our final destination [Somalia]."[46]

25. This trend is principally aimed at externalizing the conflict, as the Monitoring Group believes was the primary motive for the Kampala bombings in 2010. Currently, the Monitoring Group is investigating the possible role of MYC in the incident, and has also established a connection between a number of the key suspects involved in the bombings to MYC commanders and Amiirs.

Commerce, Charity and Crime: Al-Shabaab Financial Support Networks in Kenya

26. Al-Shabaab supporters in Kenya have established an extensive and complex financial support system to sustain their own activities, sponsor the travel of recruits to Somalia, support the Kenyan families of Al-Shabaab members in the field, and provide financial contributions to the jihadist cause. The movement considers such funding to be critical to sustaining the presence of east African jihadists fighting alongside Al-Shabaab in Somalia. On 27 March 2011, Ahmad Iman issued a directive to his Kenyan associates, that the organization should "direct all the money to Al-Shabaab because it is their right [...] He [Ahmad Iman] instructed us to stop the construction [of the mosque] and re-direct the money to that side [Somalia]."[47]

27. A key pillar of Kenyan financial support for Al-Shabaab is the Pumwani Riyadha Mosque Committee (PRMC), which owns a large section of land in Majengo, including Gikomba market — the largest second-hand clothes market in Kenya. Historically, lots in the market place have been leased in order to raise funds for the mosque. But in 2008, under the pretext of establishing a 'self-help group', Ahmad Iman succeeded in persuading the PRMC to appoint Pumwani Muslim Youth members as 'rent collectors'. The negotiation resulted in PMY members receiving a percentage of the rent, thus providing income and employment for a large number of young Muslims in Majengo.[48] When Ahmad Iman was appointed the PRMC secretary on 7 June 2009, the PMY/MYC, with the tacit blessing of the PRMC, became the de facto 'owners' of Gikomba market and appropriated all its revenues.[49]

28. Bank statements and other related documents obtained by the Monitoring Group confirm that MYC also benefits from direct financial contributions by PRMC in support of its Al-Shabaab related activities. Since at least August 2009, the PMY/MYC has been receiving approximately KES20,000 per month from PRMC's Gulf African Bank account, ostensibly for the publication of Al-Misbah.[50] At the same time, PRMC supports a number of families in Majengo, Nairobi as part of the Mosque's

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[46] MYC Symposium CD filmed by O I Video productions in association with Muslim Youth Center, Martib Center, 10 October 2009.

[47] Confidential audio recording of a PRMC official, dated 27 March 2011, describing discussion dated 26 March 2011 with 'Amiir' Ahmad Iman Ali from Somalia using mobile number +252618739735. Audio provided to Monitoring Group on 28 March 2011.

[48] PMRC financial documents, including audit spreadsheets and voucher-books from Gikomba market, indicate rent payments between KES 3,000 -15,000 per month, part of which is allocated to PMY (later MYC) members. These documents all indicate that a large number of PMY members were receiving monthly payments for acting as "guides".

[49] Interview with PRMC Accounting Officer, 31 March 2011

[50] Interview with former Al-Misbah writer, February 2011, and PRMC bank statements provided to Monitoring Group by Gulf African Bank. Independent sources have told the Monitoring Group that PRMC contributions to Al-Misbah are ongoing.

community support program, including the families of MYC members fighting alongside Al-Shabaab in Somalia.

29. In February 2010, for example, MYC member Ramadan Shuaib "Giggs" travelled to Somalia. However, an 11 April 2010 audio recording of PRMC members discussing the reported "cross over" of Mohamed Said Oribo, an MYC member and a Majengo 'Amiir' aspirant, the audio obtained by the Monitoring Group indicates that regular payments continue being made to Giggs.[51] Likewise, a source familiar with MYC member Henry Saidi Irangu "Baba", who left to join Al-Shabaab in Somalia in February 2011, confirmed to the Monitoring Group that both "Baba" and his family continue to receive financial assistance from PRMC.[52]

30. PRMC's funding of MYC also involves the sponsorship of travel to Somalia to join the ranks of Al-Shabaab. An audio recording of a PRMC discussion, reinforced by multiple interviews, confirms PRMC financial assistance for MYC members to join Al-Shabaab.[53] Monitoring Group investigations suggest that such funding comes both from PRMC's 'official' Gulf African Bank account (no. 08100025010), and also from a second account with Chase Bank (no. 601259001), whose existence is known only to a select group of PRMC Committee members.[54]

31. Since it was opened on 1 October 2010, the PRMC Chase Bank account has only received 'internal' transfers from the PRMC's Gulf Bank account, with one notable exception: a deposit of KES500,000 on 17 February 2011 from Kenyan Member of Parliament Amina Abdalla.[55] In an interview with the Monitoring Group, the MP confirmed her close association with Ali Abdulmajid, a senior official of PRMC and Vice Chairman of Riyadha Mosque Committee, [56] and acknowledged that she has frequently sought the assistance of MYC members for campaigning purposes. But she described the funds as a contribution to Riyadha Mosque's reconstruction fundraising and denied any knowledge of linkages between PRMC or MYC and Al-Shabaab. The Monitoring Group believes that the donation in question was solicited by PRMC members under false pretences, in part for funding MYC activities in Somalia, and has no evidence to suggest wilful wrongdoing on the part of the MP.

32. Other senior Kenyan politicians have also in the past donated funds to PRMC. For example, the Monitoring Group has learned that on 12 September 2009, the Kenyan Minister of Tourism, Najib Balala made a "public cash donation" of KES200,000 to a PRMC's Riyadha Mosque reconstruction fundraising event.[57] The Minister's donation was deposited into the PRMC's Development Steering Committee's account at Habib Bank (account no. 302178-03) — an account that was, at the time,

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[51] Audio recording of PRMC members dated 11 April 2011. The Monitoring Group is also aware that a number of PRMC officials have close family members in the MYC who are active in Somalia.

[52] Interview with a family member of "Baba", 14 April 2011

[53] Audio recording of interview with PRMC Assistant Treasurer and PRMC Office Manager, both officials openly admitted to "sponsoring" MYC, 5 April 2010.

[54] According to the Monitoring Group's inspection of PRMC's Chase Bank account, the following cheques were deposited: cheque for 40,000KES tendered on 17 January 2011; and cheque for 250,000KES tendered on 7 February 2011; cheque for 100,000KES tendered on 16 February 2011

[55] See Annex 2.2.i

[56] Ali Abdulmajid is the brother of Abdallah Abdulmajid, an active member of MYC.

[57] Other senior Kenyan politicians invited to the fundraising event included: Sheikh Muhammad Usman, Hon. Amina Abdallah, Hon. Simon Mbugua (Area MP) and Hon. Sheikh Dor. See Annex 2.2.j.

overseen by 'Amiir' Ahmad Iman and other MYC members. The Monitoring Gorup has received credible information indicating that that funds deposited into this and other accounts (PRMC Gulf African Bank) controlled by 'Amiir' Ahmad Iman were used at least in part to finance his passage to, and upkeep in, Somalia in late 2009.[58] The Monitoring Group has no evidence to suggest that Minister Balala was aware that his financial contribution to the PRMC might be used to support Al-Shabaab.

33. The Monitoring Group obtained an audio recording of a 7 May 2011 phone call between members of PRMC and MYC combatants in Somalia that clearly demonstrates PRMC's continued funding of MYC combatants fighting alongside Al-Shabaab.[59] During the conversation between Ramadan Osao "Captain" a MYC commander and the PRMC official, "Captain" can be heard persistently appealing to the official to send funds to the combatants and requests for US$1,000 to be sent to the indigenous Kenyan contingent with Al-Shabaab, noting that "…this is what [they] should contribute to because the material world has no meaning now…". In response, the PRMC official repeatedly promises to assist in finding a way to send the requested funds.

34. Another reliable source of financial support for the MYC is the Afwan Medical Center (AMC). Since 2008, AMC has paid for advertising space in MYC's weekly Al-Misbah newsletter, which propagated jihad and openly supports Al-Shabaab. On 21 February 2009, AMC assisted MYC in opening a bank account at the Gulf African Bank, Eastleigh branch, into which regular deposits of KES 15,000 were made over a period of six months (between 2009 and 2010) in the name of Dr. Ali Omar Salim (managing director of AMC) and of the AMC itself.[60]

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[58] According to multiple MYC sources, Monitoring Group, the 12 September 2009 event was conceptualized and organized by Ahmad Iman, and the donations from the event formed a large part of the funds he took to Somali. Interviews on 12 and 13 June 2011.
[59] See Annex 2.2.k.
[60] According to MYC bank records from 22 February 2009 to 21 March 2011, Dr. Ali Omar Salim (MD of Afwan Medical Center) last deposited 15,000KES into MYC's bank account on 24 July 2010. However, confidential sources confirm that Afwan Medical Center continues to fund MYC through regular cash payments.

Annex 2.2.a.: Muslim Youth Centre Constitution

MUSLIM YOUTH CENTER

CONSTITUTION

Drawn by:

Chacha A. Mwita Advocate
Statehouse Avenue
Gem Apartments, 2B
Box 43120 – 00100
Nairobi, Kenya

I Certify that this is a true
Copy of the Original.
SAAD M. SAAD - ADVOCATE
P. O. Box 25949-00504, NAIRO

MUSLIM YOUTH CENTER CONSTITUTION

1) NAME:

The name of the Group shall be Muslim Youth Center (hereinafter referred to as MYC)

2) OBJECTS :-

A)

- i. To promote the self-sufficiency of the Muslim Community through identification of the causes of poverty within the Community and undertaking of effective programs to eradicate poverty;
- ii. To give the Basic Foundation of Islam in knowledge, assistance, participation and awareness to the Muslim Youth in particular and to the Community in general;
- iii. To further the Cause of Islam both inside and outside the Mosque.
- iv. To promote and protect the Religious and Communal Rights of the Muslims in our Community;
- v. To conduct or arrange for regular Islamic lectures, classes, sermons by renowned scholars in Mosques, Social Halls, Schools, Institutions within Pumwani Division;
- vi. To set up and run Religious and secular schools, libraries, resource centres for youths within the Division for the purpose of nurturing and developing talents among the youth;
- vii. To render assistance for the advancement of the Muslim community in Religion, education, health, training, social & welfare;
- viii. To give Religious counsel to the youth (in particular) and foster social development by strengthening the Spiritual life.
- ix. To wage war against drug abuse, child abuse & molestation, prostitution, gangster terrorism, domestic-violence and AIDS.
- x. To respond effectively to natural and man-made disasters such as diseases, famine, displacement that may befall the Community;
- xi. To advance and promote peace and peaceful co-existence by championing justice, human rights, inclusiveness and integration in national initiatives, mediation and resolution of conflict.
- xii. To network with other Organizations and People sharing the aspirations of MYC for the benefit of the Muslims in particular;
- xiii. To implement any other charitable objectives conforming to Islam and which MYC deem desirable;

B) In furtherance of the said objects MYC shall exercise the following POWERS:-

- xiv. To study, survey and do research on the areas of need;

[illegible] M. SAAD ADVOCATES
P.O. Box [illegible]

xv. To provide educational services (including setting or/and working with universities, technical and social training establishments and, schools, and in due case provide/supply/distribute library facilities, teachers, books, learning equipment and scholarships for Kenyan students) where the resources otherwise available are adequate;

xvi. To take such steps as are necessary to assist impoverished communities to combat poverty, malnutrition, hunger, disease and sickness, illiteracy, and promote business and job opportunities;

xvii. To care and advocate for the needy and victims of disasters, senior citizens and persons with disabilities within the Community;

xviii. To invite well-wishers to work with MYC on a Voluntary basis but accept any allowance that shall be handed out for any type of work that has been done for MYC;

xix. To raise funds by inviting and receiving contributions from any person or persons whatsoever by way of Grants, Islamic loan and soft loan, sadaka, subscription, donation and otherwise; PROVIDED THAT MYC shall not engage in any activity or object not permissible in Islam;

xx. To cooperate and collaborate with communities, legal bodies and statutory authorities operating in similar development and charitable fields and to network and we share and exchange information, advice and ideas;

xxi. To be able to own property in the name of the group and dispose off the same where need be;

xxii. To make regulations for the management of any property which may be acquired;

xxiii. To arrange and provide for any or join in arranging and providing for meetings, lectures, seminars, holding exhibitions, and training courses;

xxiv. To arrange educational or religious broadcasts by way of publication of educational or religious books and articles in newspapers, magazines, pamphlets, journals and by any other means or mode of dissemination of information;

xxv. To consult with and seek the opinion of and advice from any individual(s), organizations, societies or institutions;

xxvi. To do all such other lawful things as are necessary for the attainment of the said objects;

3) MEMBERSHIP QUALIFICATION & REQUIREMENT

a) Persons of Muslim faith and adherents to Qur'an & Sunnah, with integrity and high standing in the society and above the age of 18 years are eligible for membership of MYC and shall, subject to the approval of the founder members, become a member on payment of an entrance fee to be determined by the executive committee from time to time.

b) Every member shall pay a monthly subscription of Kshs 100 not later than the 15th day of each month.

c) Any member desiring to resign from MYC shall submit his resignation to the secretary, which shall take effect from the date of receipt by the secretary of such notice.

d) Any member may be expelled from membership if a general meeting of MYC shall resolve by a two third majority of the members present that such a member should be expelled on the grounds that his conduct has adversely affected the reputation or dignity of MYC, or that he/she has contravened any of the provisions of the constitution of MYC.

e) The executive committee shall have power to suspend a member from his membership until the general meeting of the group following such suspension but notwithstanding such suspension a member whose expulsion is proposed shall have the right to address the general meeting at which his expulsion is to be considered.

f) Any person who resigns or is removed from membership shall be entitled to a refund of his subscription or any money contributed by him/her at a ratio to be determined by the executive committee.

g) Any member who fails into arrears with his/her monthly subscription for more than six months shall automatically cease to be a member of MYC and his/her name shall be struck off the register of members. The executive committee may, however at its discretion, reinstate such member on payment of the total amount of subscription outstanding.

4) OFFICE BEARERS

THE EXECUTORS OF THIS CONSTITUTION ARE THE FOUNDER MEMBERS, TO HOLDER THE POSITIONS OF CHAIRMAN, SECRETARY AND TREASURER RESPECTIVELY.

a) The office bearers of MYC shall be :-
   i) The Chairman
   ii) The Vice Chairman
   iii) The Secretary
   iv) The Assistant Secretary
   v) The Treasurer

   All of whom shall be fully paid up members of MYC and shall be elected after a three year term at the annual general meeting.

   vi) 3 co-opted members on the bases of specialized knowledge and training.

b) All office bearers shall hold office from the date of election for a period of three years, subject to the conditions contained in sub-paragraphs (c) and (d) of this rule shall be eligible for re-election.

c) Any office bearer who ceases to be a member of MYC shall automatically cease to be an office bearer thereof.

d) Office bearers may be removed from office in the same way as is laid down for the expulsion of members in rule 3 (d) and vacancies thus created shall be filled by persons elected at the general meeting resolving the expulsion.

5) DUTIES OF OFFICE BEARERS

a) Chairman: the chairman shall, unless prevented by illness or other sufficient cause, preside over all meetings of the executive committee and at all general meetings.

b) Vice Chairman: the Vice chairman shall perform any duties of the Chairman in his absence.

c) Secretary: the secretary shall deal with all the correspondence of MYC under the general supervision of the executive committee. In case of urgent matters where the executive committee cannot be consulted, he shall consult the Chairman or if he is not available, the Vice chairman. The decisions reached shall be subject to ratification or otherwise at the next executive committee meeting. He shall issue notices convening all meetings of the executive committee and all general meetings of MYC and shall be responsible for keeping minutes of all such meetings and for the preservation of all records of proceedings of MYC and of the executive committee.

d) Assistant Secretary: if there will be created the position of Assistant Secretary, he shall perform all the duties of the secretary and such other duties as shall be assigned to him by the secretary or executive committee whether the secretary is present or not.

e) Treasurer: the Treasurer shall receive and shall also disburse, under the directions of the executive committee, all moneys belonging to MYC and shall issue receipts for all moneys received by him and preserve vouchers for all moneys paid by him. The Treasurer is responsible to the executive committee and to members that proper books of account of all moneys received and paid by MYC are written up, preserved and available for inspection.

f) Assistant Treasurer: if there will be created the position of Assistant Treasurer, he shall perform such duties as may be specifically assigned to him by the Treasurer or by the executive committee and in the absence of the Treasurer shall perform the duties of the Treasurer.

6) THE EXECUTIVE COMMITTEE

a) The executive committee shall consist of all the office bearers, the three founders of MYC and 3 other co-opted members; such executive committee members shall hold office until the following third annual general meeting. The executive committee shall meet at such times and place as it shall resolve but shall meet not less than once every month.

b) Any casual vacancies for the members of the executive committee caused by death or resignation shall be filled by the executive committee until the next annual general meeting of the group. Vacancies caused by members of the executive committee removed from office will be dealt with as shown in rule 4 (d).

7) DUTIES OF THE EXECUTIVE COMMITTEE

a) The executive committee shall be responsible for the management of MYC and for that purpose may give directions to the office bearers as to the manner in which, within the law, they shall perform their duties. The executive committee shall have power to appoint such sub-committees as it may deem desirable to make reports to the executive committee upon which such action shall be taken as seems to the executive committee desirable.

b) All moneys disbursed on behalf of MYC shall be authorized by the executive committee except as specified in rule 12 (d).

c) The quorum for meetings of the executive committee shall be not less than 5 members.

8) GENERAL MEETINGS

a) There shall be two classes of general meetings; annual general meetings and special general meetings.

b)

i) The annual general meeting shall be held not later than 30th January in each year. Notice in writing of such annual general meeting, accompanied by the annual statement of account and the agenda for the meeting shall be sent to all members not less than 21 days before the date of the meeting and, where practicable, by press advertisement not less than 14 days before the date of the meeting.

ii) The agenda for any annual general meeting shall consist of the following:

- Confirmation of the minutes of the previous annual general meeting.
- Consideration of the accounts.
- Confirmation of the founder members.
- Election of the rest of the office bearers and the board of trustees where necessary in accordance with rule 10 (e) after a period of three years.
- Appointment of auditors in accordance with rule 11 (a)
- Such other matters as the executive committee may decide or as to which notice shall have been given in writing by a member or members to the secretary at least four weeks before the date of the meeting.
- Any other business with the approval of the chairman.

c) A special general meeting may be called for any specific purpose by the executive committee. Notice in writing of such meeting shall be sent to all members not less than 7 days before the date of such meeting.

d) A special general meeting may also be requisitioned for a specific purpose by order in writing to the secretary of not less than 7 members and such meeting shall be held within 21 days of the date of the requisition. The notice for such meetings shall be as shown in rule 8 (c) and no matter shall be discussed other than stated in the requisition.

e) Quorum for general meetings shall be not less than two third of the registered members of MYC.

9) PROCEDURE AT MEETINGS

a) At all meetings of MYC the Chairman, or in his absence, the Vice Chairman, or in the absence of both these officers, a member selected by the meeting shall take the chair.

b) The Chairman may at his discretion limit the number of persons permitted to speak in favor of or against any motion.

c) Resolutions shall be decided by simple voting by a show of hands. In the case of equality of votes, the chairman shall have a second or casting vote.

10) TRUSTEES

a) As a matter of time, there might be formed a Trust, which will act as the Governing body of MYC and all its activities.

b) The founder members will be co-opted members with rights to vote in the board of Trustees.

c) The Trust shall supervise, and manage all the assets of MYC.

d) All land, buildings and other immovable property and all investments and securities which shall be acquired by the group shall be vested in the name of the Trust, and executed by not less than the three founders and four trustees who shall be members of the group.

e) The trustees shall pay all income received from properties vested in the Trustees to the treasurer. Any expenditure in respect of such property which in the opinion of the Trustees is necessary or desirable shall do as outlined for the common good of the Trust and/or MYC.

f) Tenure of office of the trustees, their retirement, and other management procedure are as will be contained in the Trust Deed to be adopted.

11) AUDITOR

a) An auditor shall be appointed for the following year by the annual general meeting. All MYC's accounts, records and documents shall be opened to the inspection of the auditor at any time. The treasurer shall produce an account of his receipts and payments and a statement of assets and liabilities made up to a date which shall not be less than six weeks and not more than two months before the date of the annual general meeting. The auditor shall examine such annual accounts and statements and either clarify that they are correct, duly vouched and in accordance with the law or report to MYC in what respect they are found to be incorrect, unvouched or not in accordance with the law.

b) A copy of the auditor's report on the accounts and statements together with such accounts and statements shall be furnished to all members at the same time as the notice convening the annual general meeting is sent out. An auditor may be paid such honorarium for his duties as may be resolved by the annual general meetings appointing him.

c) No auditor shall be an office bearer or a member of the executive committee of MYC.

12) FUNDS

a) The funds of MYC may only be used for the following purposes :
  - i) Meeting running expenses of MYC
  - ii) Supporting all the projects of MYC
  - iii) Remittance of required payments to statutory bodies
  - iv) Any other business subject to the approval of the executive committee

b) All moneys and funds shall be received by and paid to the treasurer and shall be deposited by him in the name of MYC in any bank or banks approved by the executive committee.

c) No payment shall be made out of the bank account without a resolution of the executive committee authorizing such payment and there shall be THREE signatories to the account, whereby any TWO can transact and one of the TWO must be founder members.

d) Among the THREE signatories a minimum of TWO of them will be founder members, unless otherwise as will be resolved by the executive committee from time to time.

e) A sum not exceeding Kshs 3,000 may be kept by the Treasurer for petty disbursements of which proper accounts shall be kept.

f) The executive committee shall have power to suspend any office bearer who it has reasonable cause to believe is not properly accounting for any of the funds or property of MYC and shall have power to appoint another person in his place. Such suspension shall be reported to a general meeting to be convened on a date not later than a month from the date of such suspension and the general meeting shall have full power to decide what further action should be taken in the matter.

g) The financial year of MYC shall be from 1st January to 31st December.

13) BRANCHES

Branches of MYC may be formed with the approval of the executive committee and the social services and they will adopt the same constitution as that of the headquarters with the following exceptions:

a) The aims and objects will not include the formation of branches.

b) Amendments to the constitution can only be made by the headquarters of MYC in accordance with the provisions of rule 14.

c) The provisions of rule 15 shall apply to branches but, in addition, branches will not be dissolved without consultation with their headquarters.

14) AMENDMENTS TO THE CONSTITUTION

Amendments to the Constitution of MYC must be approved by at least a two-thirds majority of members at a general meeting of MYC. They cannot, however, be implemented without the prior consent in writing of the social services officers, obtained upon application to him made in writing and signed by three of the office bearers.

15) DISSOLUTION

a) MYC shall not be dissolved except by a resolution passed at a general meeting of members by a vote of two-thirds of the members present. The quorum at the meeting shall be as shown in rule 8(e). If no quorum is obtained, the proposal to dissolve MYC shall be submitted to a further general meeting which shall be held one month later. Notice of this meeting shall be given to all members of the group at least 14 days before the date of the meeting. The quorum for this second meeting shall be the number of members present.

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SAAD M. SAAD - ADVOCAT
P.O. Box 25949-00504

b) Provided, however, that no dissolution shall be effected without prior permission in writing of the social services office, obtained upon application to them made in writing and signed by three of the office bearers.

c) When the dissolution of MYC has been approved by the social services office, no further action shall be taken by the executive committee or any office bearer of MYC in connection with the aims of MYC other than to get in and liquidate for cash all the assets of MYC. Subject to the payment of all the debts of MYC, the balance thereof shall be distributed in such other manner as may be resolved by the meeting at which the resolution for dissolution is passed.

16) INSPECTION OF ACCOUNTS AND LIST OF MEMBERS

The books of account and all documents relating thereto and a list of members of MYC shall be available for inspection at the registered office of MYC by any officer or member of MYC on giving not less than seven days notice in writing to MYC.

IN WITNESS WHEREOF the Founder members have hereunto set their respective hands on this 30th day of DECEMBER 2008.

SIGNED by AHMAD IMAN ALI]
In the presence of:]
FURQAN CHACHA
ADVOCATE
P.O. Box 77402 - 00622
NAIROBI - KENYA

CHAIRMAN

SIGNED by HUSSEIN ALLY]
In the presence of:]
FURQAN CHACHA
ADVOCATE
P.O. Box 77402 - 00622
NAIROBI - KENYA

SECRETARY

SIGNED by ABDI MOHAMED MBITHUKA]
In the presence of:]
FURQAN CHACHA
ADVOCATE
P.O. Box 77402 - 00622
NAIROBI - KENYA

TREASURER

Drawn by:

Chacha A. Mwita Advocate,
Statehouse Avenue, Gem Apartments - 2B, P.O. Box 43120 – 00100, Nairobi, Kenya.

9

I Certify that this is a true
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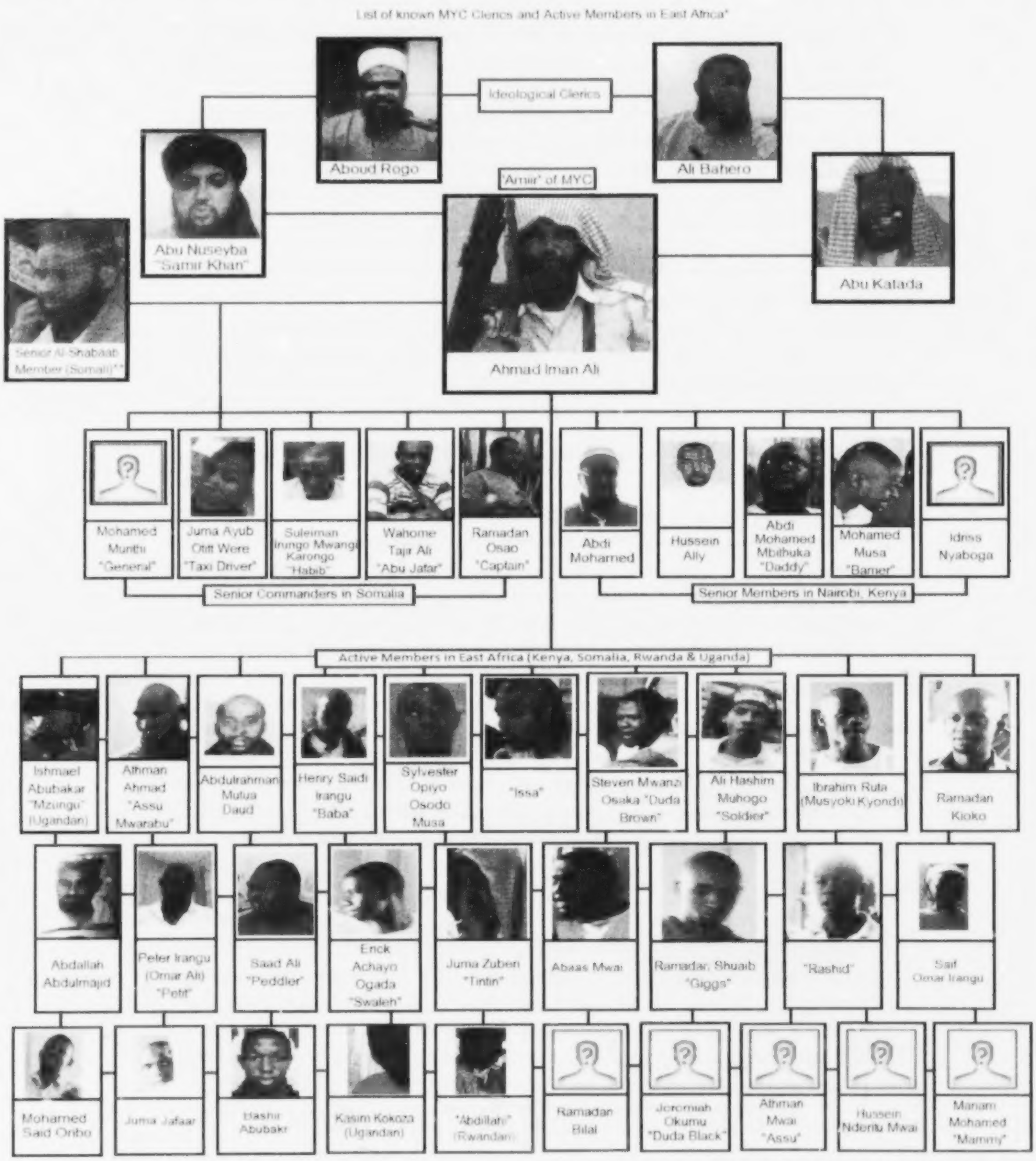
AD M. SAAD - ADVOCA
O Box 25545-00504,

Annex 2.2.b.: Muslim Youth Centre organizational chart[61]


List of known MYC Clerics and Active Members in East Africa*
Aboud Rogo
Ideological Clerics
Ali Bahero
Abu Nuseyba "Samir Khan"
'Amir' of MYC
Abu Katada
Senior Al-Shabaab Member (Somali)**
Ahmad Iman Ali
Mohamed Munthi "General"
Juma Ayub Otit Were "Taxi Driver"
Suleiman Irungo Mwangi Karongo "Habib"
Wahome Tajir Ali "Abu Jafar"
Ramadan Osao "Captain"
Abdi Mohamed
Hussein Ally
Abdi Mohamed Mbithuka "Daddy"
Mohamed Musa "Bamer"
Idriss Nyaboga
Senior Commanders in Somalia
Senior Members in Nairobi, Kenya
Active Members in East Africa (Kenya, Somalia, Rwanda & Uganda)
Ishmael Abubakar "Mzungu" (Ugandan)
Athman Ahmad "Assu Mwarabu"
Abdulrahman Mutua Daud
Henry Saidi Irangu "Baba"
Sylvester Opiyo Osodo Musa
"Issa"
Steven Mwanzi Osaka "Duda Brown"
Ali Hashim Muhogo "Soldier"
Ibrahim Ruta (Musyoki Kyondi)
Ramadan Kioko
Abdallah Abdulmajid
Peter Irangu (Omar Ali) "Petit"
Saad Ali "Peddler"
Erick Achayo Ogada "Swaleh"
Juma Zuberi "Tintin"
Abaas Mwai
Ramadan Shuaib "Giggs"
"Rashid"
Saif Omar Irangu
Mohamed Said Oribo
Juma Jafaar
Bashir Abubakr
Kasim Kokoza (Ugandan)
"Abdillahi" (Rwandan)
Ramadan Bilal
Jeremiah Okumu "Duda Black"
Athman Mwai "Assu"
Hussein Nderitu Mwai
Mariam Mohamed "Mammy"

* The above mentioned names of MYC members in East Africa represent a small fraction of the group that is linked to Al-Shabaab in Somalia. The Monitoring Group is also aware that some of the aforementioned members have been apprehended.

** The Senior Al-Shabaab Member is believed to have overall shared responsibility with Juma Ayub "Taxi driver" and is based in Eastleigh, Nairobi. His name is currently unknown.

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[61] Compiled by the UN Somalia and Eritrea Monitoring Group 1916 (2010).

Annex 2.2.c.: Al-Misbah weekly newsletters (No. 083, No. 085 and No. 087)

MUSLIM YOUTH CENTER
Preference for Others

AL-MISBAH

A PUBLICATION OF MUSLIM YOUTH IN MAJENGO PUMWANI

Issue No.083

This newsletter contains name of Allah's names. Do not throw in trash. [illegible]

[illegible]

Jihaad is Our Religion!

Why Calamities and Destructions are Happening to Muslims?

By: Mohamed [illegible]

Dear brothers, one question that may arise in our mind is why are these calamities, and destructions happening to Muslims. Yes, indeed the oppressors are the wrong doers. They make destruction and kill Muslims and steal their properties. On the other side, it is worth for us to look on ourselves so that we can improve our weaknesses. I would like to recite one Hadith.... and I don't intend to elaborate on it. Let us read it and we judge it ourselves.

The companion 'Abdullaah Ibn 'Abbaas r.a., narrated that the Prophet sallallaahu 'alaihi wa sallam said: "Five matters result when five things happen: If people break their covenant with Allaah, He will send an enemy against them; if they rule by other than the Law of Allaah, poverty will spread among them; if they are deceptive in trade, Allaah will deprive them of crops and will be struck with famine; And if they withhold the payment of Zakaah, they will be struck with drought" [At- Tabaraani]

In another narration he sallallaahu 'alaihi wa sallam said: *"If they break the covenant of Allaah and His Messenger, Allaah will send an external enemy against them who will seize some of their possessions; If they do not rule by the Book of Allaah, nor attempt to implement everything in it, Allaah will spread enmity among them."*

Conversely, obeying Allaah and His Messenger sallallaahu 'alaihi wa sallam is the source of victory. Allaah says **"O you who have believed, if you support Allaah, He will support you [by giving you victory]." [Surah Muhammad Ayah 7]** Indeed, Allah gives victory to those who deserve it. And most of the times defeat comes from ourselves.

One night, Sa'd Ibn Abi Waqqaas, may Allaah be pleased with him, was checking on his army during the battle of Qaadisiyyah. He passed by the tent of one group of Mujahideen at night and found the men inside praying Qiyaam, or voluntary night-prayer, and remarked: **'Victory comes from such a tent'** and then he passed by another tent and found the men inside sleeping and remarked: **'Defeat comes from such a tent.'**

This was despite the fact that the men who were sleeping only missed a recommended prayer and not an obligatory one; yet Sa'd considered missing this recommended act to be a valid reason for defeat.

Let us avoid destructions, disasters and humiliation. Muslims have experienced too many appalling tragedy in their own lands. First it was Palestine, then Afghanistan, then Bosnia, then Chechnya, then Iraq, and now Somalia, and tomorrow we never know whose turn it will be.

BE PREPARED FOR THE REAL HOLOCAUST!

The Prophet sallallaahu 'alaihi wa sallam was once asked: *"Would we be punished by disasters which befall us while we have righteous people amongst us?"* he sallallaahu 'alaihi wa sallam replied: *"Yes, if evil becomes widespread."* Allaah says clearly on this issue in al Quraan: ***"And fear the Fitnah (affliction and trial, etc.) which affects not in particular (only) those of you who do wrong (but it may afflict all the good and the bad people), and know that Allāh is Severe in punishment".* [Surah Al-Anfaal: 25]**

Therefore, if Muslims truly wish for safety from destruction and attain victory in Jihaad, then they must change and improve what is in themselves as Allaah says that which translates as: ***"Verily! Allāh will not change the good condition of a people as long as they do not change their state of goodness themselves. But when Allāh wills a people punishment, there can be no turning back from it, and they will find besides Him no protector".*** [Surah Ar-Ra'd: 11]

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INCREASE CIRCULATION:
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AL-MISBAH is a Publication of Muslim Youth Center, Majengo, Pumwani, PO Box [illegible]

The Muslim Fortress

Supplication against the enemies

"Allahumma Munzil-il-Kitaabi, Sarii'-il-hisaabi, ihzim-il-ahzaabs, Allahumma-hzimhum wazalzilhum." [Muslim3/1362]

ALIVE HEART

QUR'AN

Allah SW says: "O you who Believe! What is the matter with you, that when you are asked to march forth in the Cause of Allah (i.e. Jihaad) you cling heavily to the earth? But little is the enjoyment of the life of this world as compared to the Hereafter. If you march not forth, He will punish you with a painful torment and will replace you by another people, and you cannot harm Him at all, and Allah is Able to do all things" [TAWBAH 38-39]

HADITH

"If you transact (interest), be busy with cattle, content in farming, and abandon JIHAAD, Allah will instill weakness in you. He will NOT remove it till you return to your RELIGION" [Ahmad]

NOTABLE QUOTES

"Suppose you were to die tomorrow! How will you spend your today..."

America's Terrorism

NOAM CHOMSKY- Darfur - "It's a good question why Darfur is such an issue. I mean, there's a lot of killing in Darfur. The numbers are apparently mostly made up. But it's substantial. On the other hand, it isn't a fraction of the dead in Iraq, let's say, and it isn't even a tiny fraction of the dead in the Congo right now. So why is there a huge campaign about Darfur, and not one about a hundred times as bad about the Congo, and one a thousand times as bad about Iraq? Because we're doing them. It's hot for pretty reasons, I think...

44 Ways of Supporting Jihaad

By Anwar al Awlaki [www.anwar-alawlaki.com]

(continued from last week)

6. Taking care of the Family of a Mujahid

Taking care of the family of the mujahid could be by protecting them, tending to their needs, providing them with financial assistance and protecting their honor. The Messenger of Allah (saaws) says: ***"Anyone of you who takes care of the family and wealth of a mujahid will receive half the reward of the mujahid"*** (Muslim) The duty towards protecting the honor of the wives of the mujahideen on the ones who stay behind is like their duty towards protecting the honor of their mothers. If a person who stays behind promises to take care of the wife of a mujahid but then betrays him, on the Day of Judgment the mujahid will be told that this man betrayed you so take whatever you want from his good deeds. So he will take whatever he likes. (Muslim)

"Whoever does not fight, sponsor a fighter, or take care of the family of a fighter, will be afflicted with a disaster before he dies." (Abu Dawud)

If a person fears for the safety of his family, Shaytan can take advantage of that and prevent that person from going to Jihad. Even if such a person disobeys Shaytan and does go to Jihad, Shaytan can come to him and weaken his heart by whispering to him about the loved ones he left behind. Therefore, taking care of the families of the mujahideen would help their morale and that is why Islam devoted this attention to taking care of the family and wealth of the mujahideen. *[To be continued next week]*

RIBAAT

MASJID NUUR SOWETO

Allah SW says: *"How often a small group overcame a mighty host by Allah's Leave!"* [Al-Baqarah 249]

All Shabaab are invited to a one day Ribaat at Masjid Nuur in Soweto, on the 10th of Oct, 2007 from Asr prayers till Fajr the next day.

Several Sheikhs will address various topics.

Theme: Al-Shabaab in the Reawakening of The Ummah!"

Make a point to Attend and get to know your duty in This Very Noble Ummah.

The Program Timetable

SATURDAY after Asr

Sheikh Ali Bali
"Verily they are the youth"
Sheikh Shaban Ahmed
"Role of the Youth in Da'wah"

SATURDAY after Maghrib:

Dr. Mohammad Uthman
"The future is for Islam"
Sheikh Suld Bafana
"The Methodology of Sunnah"

SUNDAY after Fajr

Al-Akh Ahmad Iman
"Al-Walaa wal Baraa"
Sheikh Hassan Mohamad
"State of the Ummah vs the Salibiyyah and the Solution"

MUSLIM YOUTH CENTER

Markaz-Shabaab-[illegible]

This is a Muslim Youth Center which has several Da'wah activities [illegible] offering [illegible] opportunities for the youth [illegible] the youth [illegible] and much more.

The center is based in Majengo, Pumwani, Nairobi

[illegible]

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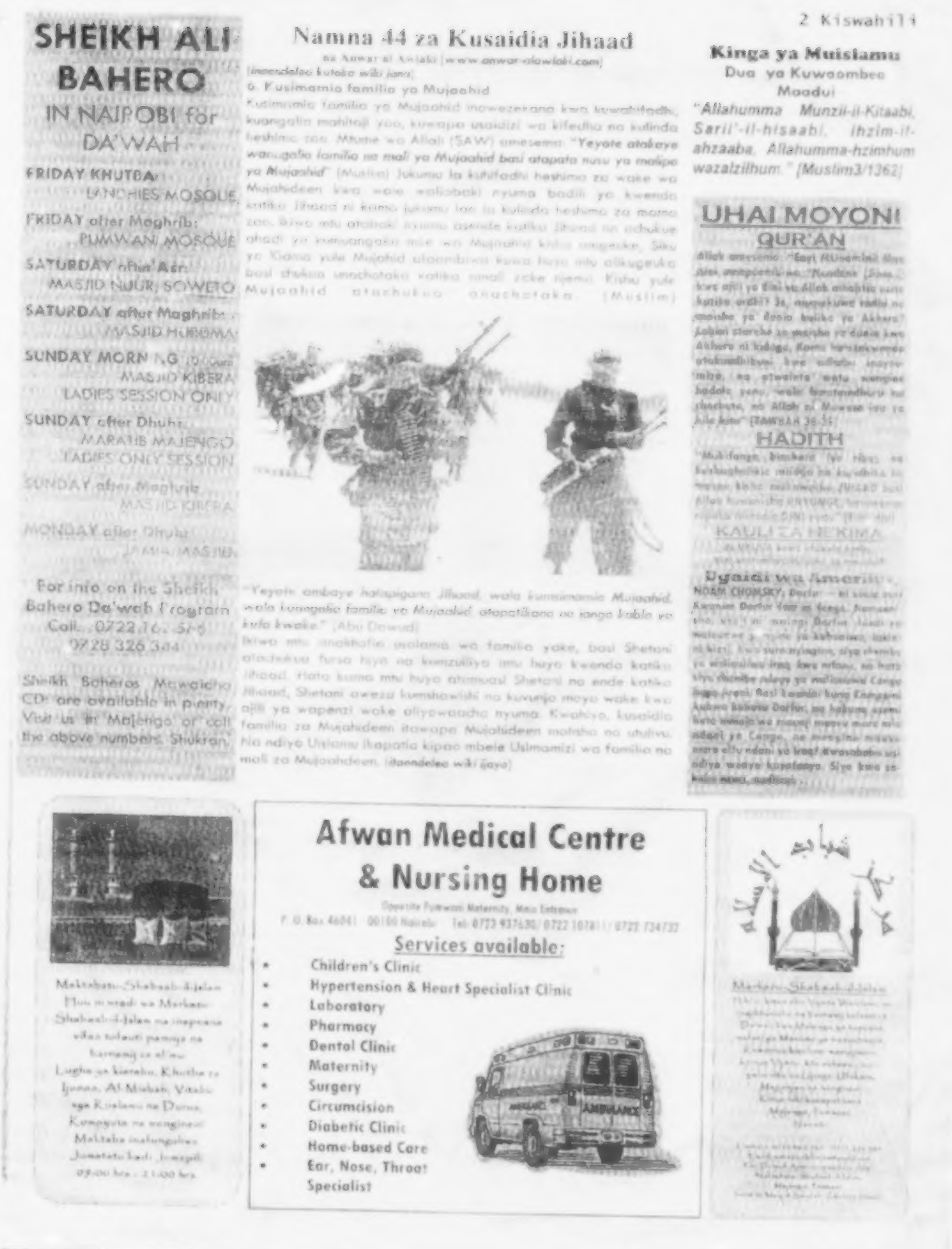
Arabic language, Friday Khutbas, Al-Misbah, Islamic Literature & Duros, Computers and much more!
The Library is Open
Mon-Sun
09:00 hrs - 21:00 hrs



2 Kiswahili

SHEIKH ALI BAHERO

IN NAIROBI for DA'WAH

FRIDAY KHUTBA:
LANGHIES MOSQUE

FRIDAY after Maghrib:
PUMWANI MOSQUE

SATURDAY after 'Asr:
MASJID NUUR, SOWETO

SATURDAY after Maghrib:
MASJID HURUMA

SUNDAY MORNING 10:00am
MASJID KIBERA
LADIES SESSION ONLY

SUNDAY after Dhuhr:
MARATIB MAJENGO
LADIES ONLY SESSION

SUNDAY after Maghrib:
MASJID KIBERA

MONDAY after Dhuhr:
JAMIA MASJID

For info on the Sheikh
Bahero Da'wah Program
Call... 0722 16[illegible] 5[illegible]
0728 326 344

Sheikh Baheros Mawaidha CDs are available in plenty. Visit us in Majengo or call the above numbers. Shukran.

Namna 44 za Kusaidia Jihaad

na Anwar al Awlaki (*www.anwar-alawlaki.com*)

(inaendelea kutoka wiki jana)

6. Kusimamia familia ya Mujaahid

Kusimamia familia ya Mujaahid inawezekana kwa kuwahifadhi, kuangalia mahitaji yao, kuwapa usaidizi wa kifedha na kulinda heshima zao. Mtume wa Allah (SAW) amesema: ***"Yeyote atakaye waangalia familia na mali ya Mujaahid basi atapata nusu ya malipo ya Mujaahid"*** (Muslim) Jukumu la kuhifadhi heshima za wake wa Mujahideen kwa wale waliobaki nyuma badili ya kwenda katika Jihaad ni kama jukumu lao la kulinda heshima za mama zao. Ikiwa mtu atabaki nyuma asende katika Jihaad na achukue ahadi ya kumuangalia mke wa Mujaahid kisha amgeuke, Siku ya Kiama yule Mujahid ataambiwa kuwa huyu mtu alikugeuka basi chukua unachotaka katika amali zake njema. Kisha yule Mujaahid atachukua anachotaka. (Muslim)

"Yeyote ambaye hatapigana Jihaad, wala kumsimamia Mujaahid, wala kuangalia familia ya Mujaahid, atapatikana na janga kabla ya kufa kwake." (Abu Dawud)

Ikiwa mtu anakhofia usalama wa familia yake, basi Shetani atachukua fursa hiyo na kumzuiliya mtu huyo kwenda katika Jihaad. Hata kama mtu huyo atamuasi Shetani na ende katika Jihaad, Shetani aweza kumshawishi na kuvunja moyo wake kwa ajili ya wapenzi wake aliyowaacha nyuma. Kwahiyo, kusaidia familia za Mujahideen itawapa Mujahideen motisha na utulivu. Hii ndiyo Uislamu ikapatia kipao mbele Usimamizi wa familia na mali za Mujaahdeen. (**itaendelea wiki ijayo**)

Kinga ya Muislamu

Dua ya Kuwaombea Maadui

"Allahumma Munzil-il-Kitaabi, Sarii'-il-hisaabi, ihzim-il-ahzaaba, Allahumma-hzimhum wazalzilhum." [Muslim3/1362]

UHAI MOYONI

QUR'AN

Allah amesema: "Enyi Mlioamini! Mna nini mnapoambiwa: "Nendeni (Jihaad) kwa ajili ya Dini ya Allah mnajitia uzito katika ardhi? Je, mmeyakuwa radhi na maisha ya dunia badala ya Akhera? Lakini starehe za maisha ya dunia kwa Akhera ni kidogo. Kama hamtatoka atawaadhibuni kwa adhabu inayoumiza, na atawaleta watu wengine badala yenu, wala hamtamdhuru kwa chochote, na Allah ni Muweza wa kila kitu" (TAWBAH 38-39)

HADITH

[illegible] kushughulika na mifugo na kuridhika na kilimo na mkaacha JIHAAD basi Allah atawaletea UNYONGE, hatauondoa mpaka mtakaporudi DINI yenu" (Abu daud)

KAULI ZA HEKIMA

[illegible]

Ugaidi wa Amerika

NOAM CHOMSKY, Darfur — [illegible] Darfur [illegible] Congo [illegible] Darfur [illegible] Iraq [illegible] Congo [illegible] Darfur [illegible] Congo [illegible] Iraq [illegible]

Maktabatu-Shabaab-il-Islam
Hii ni maktaba ya Markazu-Shabaab-il-Islam na inapeana vitabu tofauti pamoja na kanda za elimu.
Lugha ya kiarabu, Khutba za Ijumaa, Al-Misbah, Vitabu vya Kiislamu na Duroos, Kompyuta na mengineo.
Maktaba inafunguliwa Jumatatu hadi Jumapili
09:00 hrs - 21:00 hrs

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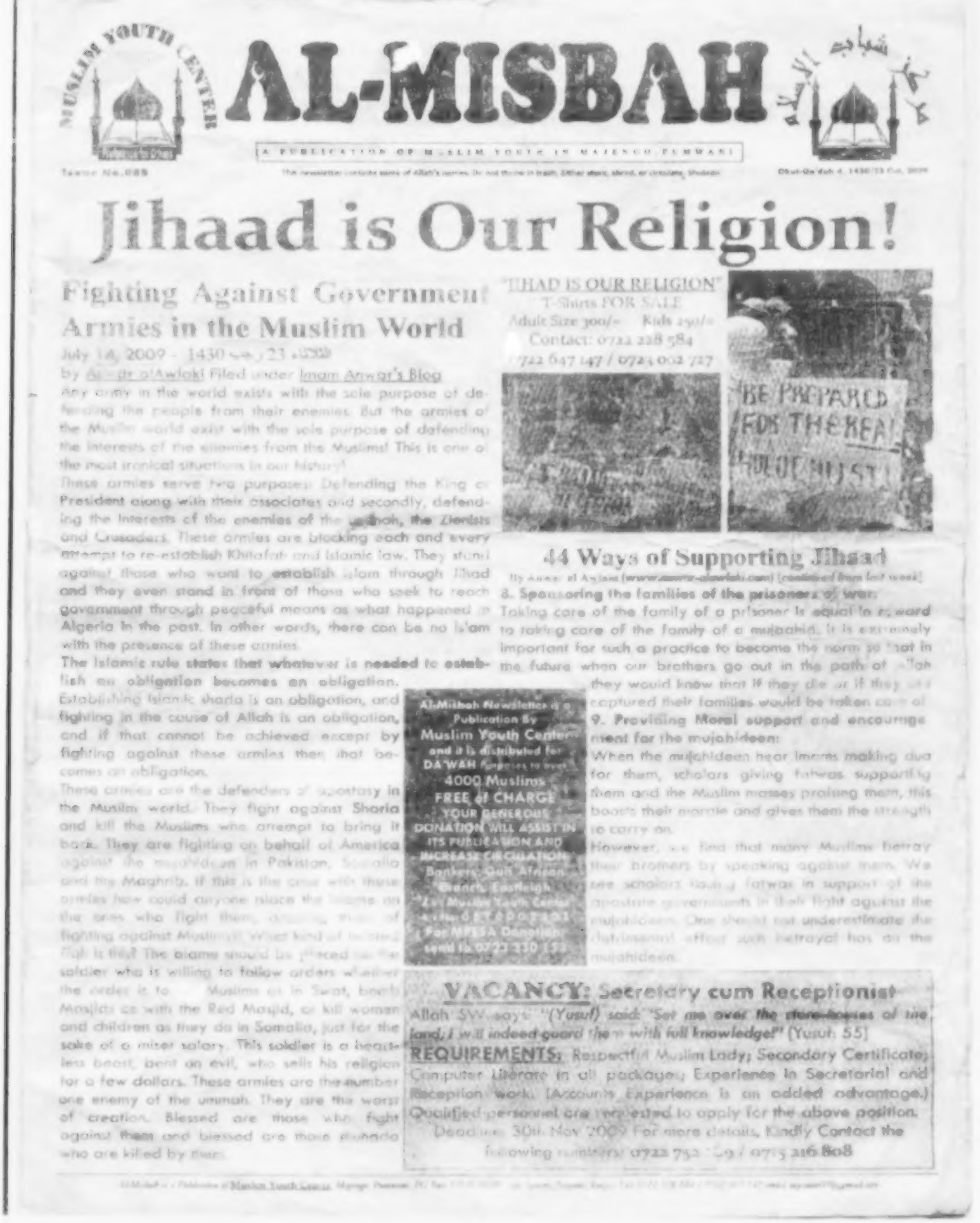
مركز شباب الإسلام

Markazu-Shabaab-il-Islam

[illegible]

Annex 2.2.c.: Al-Misbah Weekly Newsletter, Issue No.085, 23 October 2009



AL-MISBAH

A PUBLICATION OF MUSLIM YOUTH IN MAJENGO, PUMWANI

Issue No.085

Jihaad is Our Religion!

Fighting Against Government Armies in the Muslim World

July 14, 2009 - 1430 رجب 23

by Anwar al-Awlaki Filed under Imam Anwar's Blog

Any army in the world exists with the sole purpose of defending the people from their enemies. But the armies of the Muslim world exist with the sole purpose of defending the interests of the enemies from the Muslims! This is one of the most ironical situations in our history!

These armies serve two purposes: Defending the King or **President along with their associates** and secondly, defending the interests of the **enemies of the ummah, the Zionists** and Crusaders. These armies are **blocking each and every attempt to re-establish** Khilafah and Islamic law. They stand against those who want to **establish** Islam through Jihad **and they even stand in front** of those who seek to reach **government** through peaceful means as what happened in **Algeria in the past. In other words, there can be no Islam** with the presence of these armies.

The Islamic rule states that whatever is needed to establish an obligation becomes an obligation. Establishing Islamic sharia is an **obligation**, and **fighting in the cause of Allah** is an obligation, and if that cannot be achieved except by **fighting** against these armies then that becomes an obligation.

These armies are the defenders of apostasy **in the Muslim world.** They fight against **Sharia** and kill the Muslims who attempt to bring it back. **They are fighting on behalf of America** against the mujahideen in Pakistan, Somalia and the Maghrib. If this is the case with these armies how could anyone place the blame on the ones who fight them, accusing them of fighting against Muslims!! What kind of twisted fiqh is this? The **blame** should be placed on the soldier who is willing to **follow** orders whether the order is to [illegible] Muslims as in Swat, bomb Masjids as with the Red Masjid, or kill women and children as they do in Somalia, just for the **sake** of a miser salary. This **soldier** is a heartless beast, bent **on evil**, who sells his religion for a few **dollars. These armies** are the **number** one enemy of the ummah. They are the worst of creation. Blessed are those who fight against **them** and blessed are those shuhada who are killed by them.

"JIHAD IS OUR RELIGION"
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Contact: 0722 228 584
0722 647 147 / 0723 002 727

44 Ways of Supporting Jihaad

By Anwar al Awlaki (www.anwar-alawlaki.com) [continued from last week]

8. Sponsoring the families of the prisoners of war:

Taking care of the family of a prisoner is **equal in reward** to taking care of the family of a mujahid. It is extremely important for such a practice to become the norm so that in the future when our brothers go out in the path of Allah they would know that if they die or if they are captured their families would be taken care of.

9. Providing Moral support and encouragement for the mujahideen:

When the mujahideen hear Imams **making** dua for them, scholars giving fatwas supporting them and the Muslim masses praising them, this boosts their morale and gives them the strength to carry on.

However, we find that many Muslims betray their brothers by speaking against them. We see scholars issuing fatwas in support of the apostate governments in their fight against the mujahideen. One should not **underestimate** the detrimental effect such betrayal has on the mujahideen.

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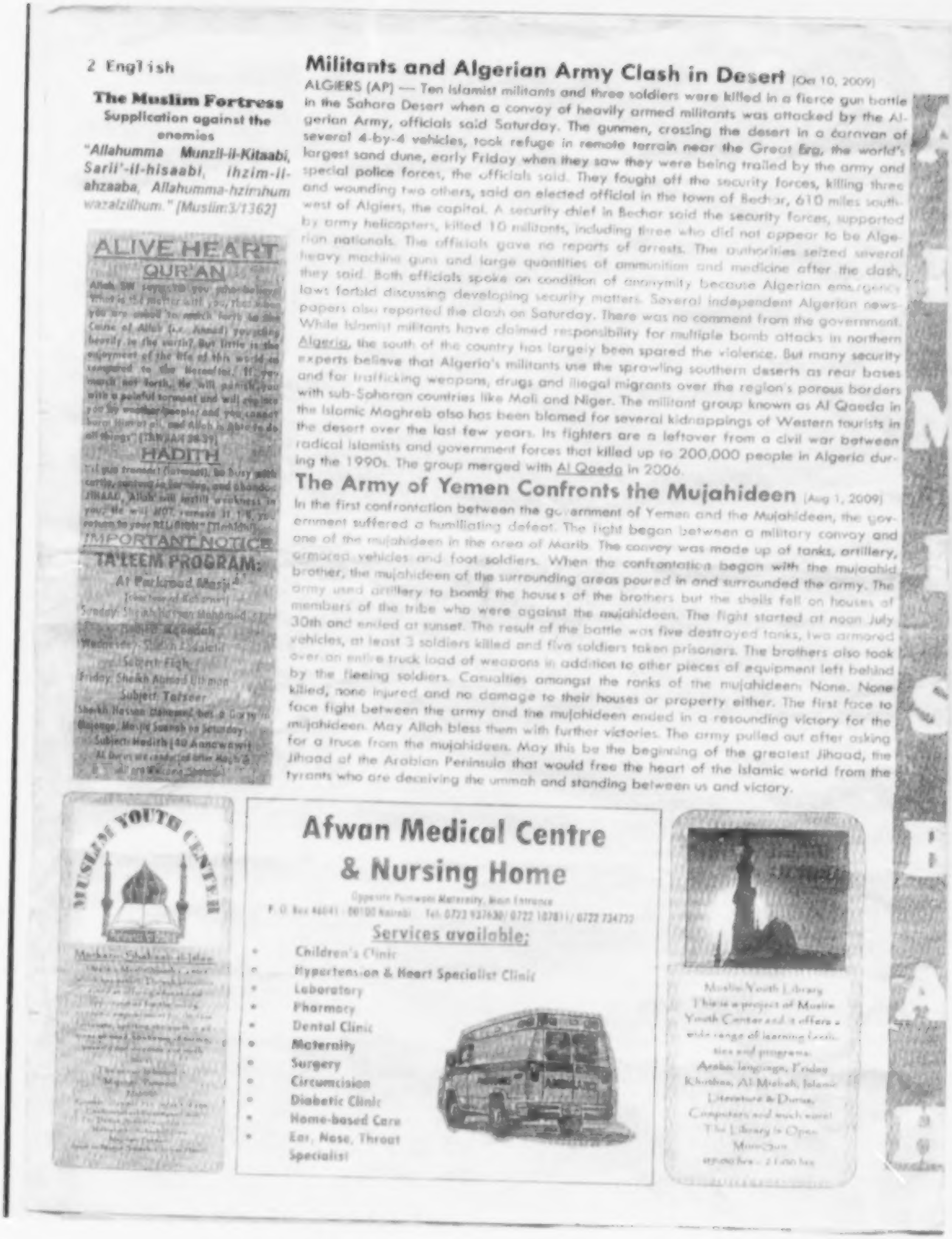
VACANCY: Secretary cum Receptionist

Allah SW says: "(Yusuf) said: *"Set me over the storehouses of the land; I will indeed guard them with full knowledge!"* (Yusuf: 55)

REQUIREMENTS: Respectful Muslim Lady; Secondary Certificate; Computer Literate in all packages; Experience in Secretarial and Reception work. (Accounts Experience is an added advantage.) Qualified personnel are requested to apply for the above position.

Deadline 30th Nov 2009 For more details, Kindly Contact the following numbers: 0722 752 [illegible] / 0715 216 808



2 English

The Muslim Fortress
Supplication against the enemies

"Allahumma Munzil-il-Kitaabi, Sarii'-il-hisaabi, ihzim-il-ahzaaba, Allahumma-hzimhum wazalzilhum." [Muslim:3/1362]

ALIVE HEART

QUR'AN

Allah SW says: "O you who believe! What is the matter with you, that when you are asked to march forth in the Cause of Allah (i.e. Jihaad) you cling heavily to the earth? But little is the enjoyment of the life of this world as compared to the Hereafter. If you march not forth, He will punish you with a painful torment and will replace you by another people; and you cannot harm Him at all, and Allah is Able to do all things" [TAWBAH 38-39]

HADITH

"If you transact (Inah), be busy with cattle, content in farming, and abandon JIHAAD, Allah will instill weakness in you; He will NOT remove it till you return to your RELIGION" [Tirmidhi]

IMPORTANT NOTICE

TA'LEEM PROGRAM:
At Parkroad Masjid
[illegible]
Sunday: Sheikh Hassan Mohamed [illegible]
Subject: Aqeedah
Wednesday: Sheikh [illegible]
Subject: Fiqh
Friday: Sheikh Ahmad Uthman
Subject: Tafseer
Sheikh Hassan Mohamed has a Dars in Majengo, Masjid Sunnah on Saturday
Subject: Hadith (40 Annawawi)
All Durus are conducted after Maghrib
[illegible]

Militants and Algerian Army Clash in Desert (Oct 10, 2009)

ALGIERS (AP) — Ten Islamist militants and three soldiers were killed in a fierce gun battle in the Sahara Desert when a convoy of heavily armed militants was attacked by the Algerian Army, officials said Saturday. The gunmen, crossing the desert in a caravan of several 4-by-4 vehicles, took refuge in remote terrain near the Great Erg, the world's largest sand dune, early Friday when they saw they were being trailed by the army and special police forces, the officials said. They fought off the security forces, killing three and wounding two others, said an elected official in the town of Bechar, 610 miles southwest of Algiers, the capital. A security chief in Bechar said the security forces, supported by army helicopters, killed 10 militants, including three who did not appear to be Algerian nationals. The officials gave no reports of arrests. The authorities seized several heavy machine guns and large quantities of ammunition and medicine after the clash, they said. Both officials spoke on condition of anonymity because Algerian emergency laws forbid discussing developing security matters. Several independent Algerian newspapers also reported the clash on Saturday. There was no comment from the government. While Islamist militants have claimed responsibility for multiple bomb attacks in northern Algeria, the south of the country has largely been spared the violence. But many security experts believe that Algeria's militants use the sprawling southern deserts as rear bases and for trafficking weapons, drugs and illegal migrants over the region's porous borders with sub-Saharan countries like Mali and Niger. The militant group known as Al Qaeda in the Islamic Maghreb also has been blamed for several kidnappings of Western tourists in the desert over the last few years. Its fighters are a leftover from a civil war between radical Islamists and government forces that killed up to 200,000 people in Algeria during the 1990s. The group merged with Al Qaeda in 2006.

The Army of Yemen Confronts the Mujahideen (Aug 1, 2009)

In the first confrontation between the government of Yemen and the Mujahideen, the government suffered a humiliating defeat. The fight began between a military convoy and one of the mujahideen in the area of Marib. The convoy was made up of tanks, artillery, armored vehicles and foot soldiers. When the confrontation began with the mujaahid brother, the mujahideen of the surrounding areas poured in and surrounded the army. The army used artillery to bomb the houses of the brothers but the shells fell on houses of members of the tribe who were against the mujahideen. The fight started at noon July 30th and ended at sunset. The result of the battle was five destroyed tanks, two armored vehicles, at least 3 soldiers killed and five soldiers taken prisoners. The brothers also took over an entire truck load of weapons in addition to other pieces of equipment left behind by the fleeing soldiers. Casualties amongst the ranks of the mujahideen: None. None killed, none injured and no damage to their houses or property either. The first face to face fight between the army and the mujahideen ended in a resounding victory for the mujahideen. May Allah bless them with further victories. The army pulled out after asking for a truce from the mujahideen. May this be the beginning of the greatest Jihaad, the Jihaad of the Arabian Peninsula that would free the heart of the Islamic world from the tyrants who are deceiving the ummah and standing between us and victory.

MUSLIM YOUTH CENTER
Markaz Shabaab al-Islam
[illegible]

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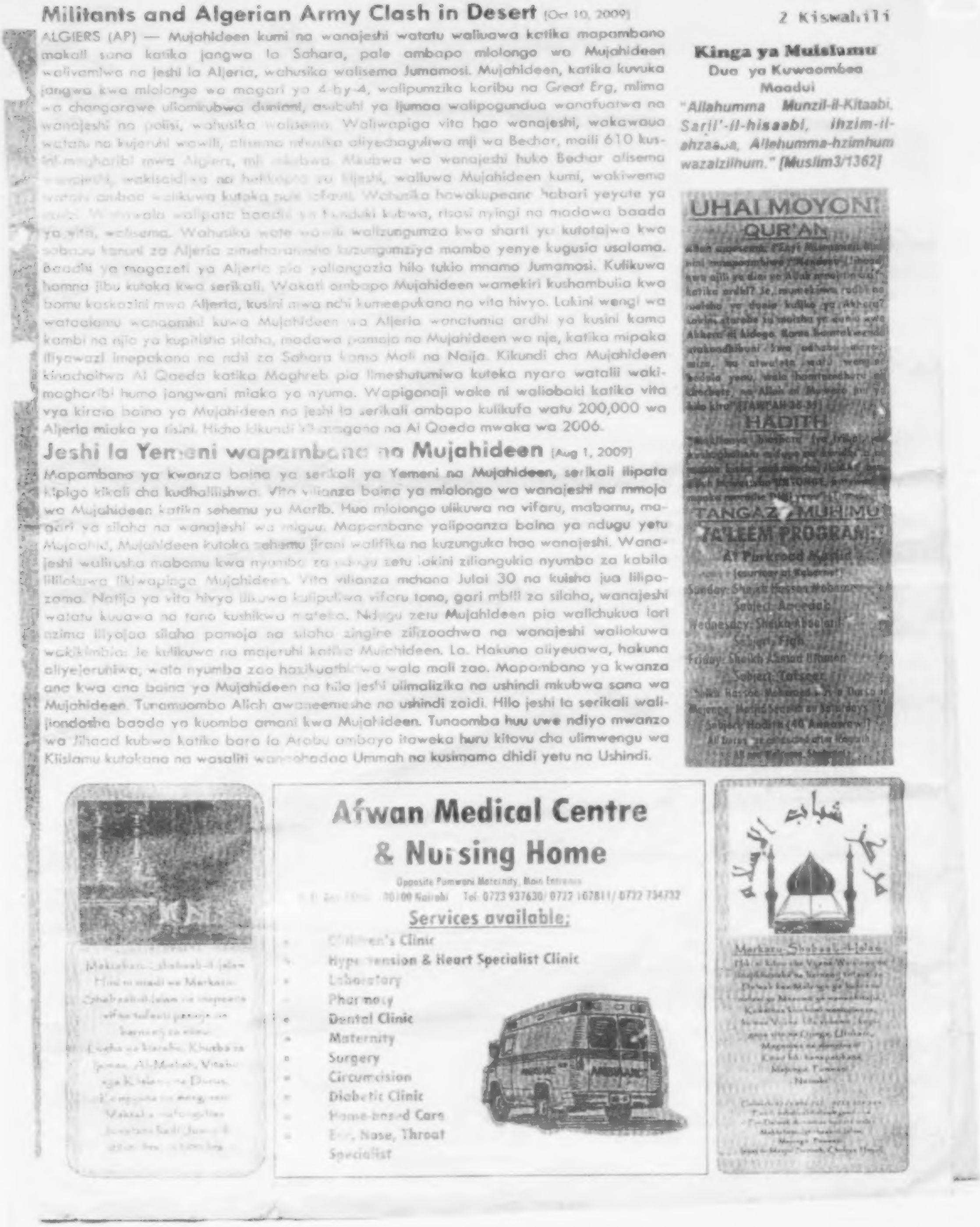

2 Kiswahili

Militants and Algerian Army Clash in Desert [Oct 10, 2009]

ALGIERS (AP) — Mujahideen kumi na wanajeshi watatu waliuawa katika mapambano makali sana katika jangwa la Sahara, pale ambapo mlolongo wa Mujahideen walivamiwa na jeshi la Aljeria, wahusika walisema Jumamosi. Mujahideen, katika kuvuka jangwa kwa mlolongo wa magari ya 4-by-4, walipumzika karibu na Great Erg, mlima wa changarawe uliomkubwa duniani, asubuhi ya Ijumaa walipogundua wanafuatwa na wanajeshi na polisi, wahusika walisema. Waliwapiga vita hao wanajeshi, wakawaua watatu na kujeruhi wawili, alisema mhusika aliyechaguliwa mji wa Bechar, maili 610 kusini-magharibi mwa Algiers, mji mkubwa. Mkubwa wa wanajeshi huko Bechar alisema wanajeshi, wakisaidiwa na helikopta za kijeshi, waliuwa Mujahideen kumi, wakiwema watatu ambao walikuwa kutoka nchi tofauti. Wahusika hawakupeana habari yeyote ya zaidi. Wanajeshi walipata baadhi ya bunduki kubwa, risasi nyingi na madawa baada ya vita, walisema. Wahusika wote wawili walizungumza kwa sharti ya kutotajwa kwa sababu kanuni za Aljeria zimeharamisha kuzungumziya mambo yenye kugusia usalama. Baadhi ya magazeti ya Aljeria pia yaliangazia hilo tukio mnamo Jumamosi. Kulikuwa hamna jibu kutoka kwa serikali. Wakati ambapo Mujahideen wamekiri kushambulia kwa bomu kaskazini mwa Aljeria, kusini mwa nchi kumeepukana na vita hivyo. Lakini wengi wa wataalamu wanaamini kuwa Mujahideen wa Aljeria wanatumia ardhi ya kusini kama kambi na njia ya kupitisha silaha, madawa pamoja na Mujahideen wa nje, katika mipaka iliyowazi imepakana na nchi za Sahara kama Mali na Naija. Kikundi cha Mujahideen kinachoitwa Al Qaeda katika Maghreb pia limeshutumiwa kuteka nyara watalii wakimagharibi humo jangwani miaka ya nyuma. Wapiganaji wake ni waliobaki katika vita vya kiraia baina ya Mujahideen na jeshi la serikali ambapo kulikufa watu 200,000 wa Aljeria miaka ya tisini. Hicho kikundi kiliungana na Al Qaeda mwaka wa 2006.

Jeshi la Yemeni wapambana na Mujahideen [Aug 1, 2009]

Mapambano ya kwanza baina ya serikali ya Yemeni na Mujahideen, serikali ilipata kipigo kikali cha kudhalilishwa. Vita vilianza baina ya mlolongo wa wanajeshi na mmoja wa Mujahideen katika sehemu ya Marib. Huo mlolongo ulikuwa na vifaru, mabomu, magari ya silaha na wanajeshi wa miguu. Mapambano yalipoanza baina ya ndugu yetu Mujaahid, Mujahideen kutoka sehemu jirani walifika na kuzunguka hao wanajeshi. Wanajeshi walirusha mabomu kwa nyumba za ndugu zetu lakini ziliangukia nyumba za kabila lililokuwa likiwapinga Mujahideen. Vita vilianza mchana Julai 30 na kuisha jua lilipozama. Natija ya vita hivyo ilikuwa kulipuliwa vifaru tano, gari mbili za silaha, wanajeshi watatu kuuawa na tano kushikwa mateka. Ndugu zetu Mujahideen pia walichukua lori nzima iliyojaa silaha pamoja na silaha zingine zilizoachwa na wanajeshi waliokuwa wakikimbia. Je kulikuwa na majeruhi katika Mujahideen. La. Hakuna aliyeuawa, hakuna aliyejeruhiwa, wala nyumba zao hazikuathiriwa wala mali zao. Mapambano ya kwanza ana kwa ana baina ya Mujahideen na hilo jeshi ulimalizika na ushindi mkubwa sana wa Mujahideen. Tunamuomba Allah awaneemeshe na ushindi zaidi. Hilo jeshi la serikali walijiondosha baada ya kuomba amani kwa Mujahideen. Tunaomba huu uwe ndiyo mwanzo wa Jihaad kubwa katika bara la Arabu ambayo itaweka huru kitovu cha ulimwengu wa Kiislamu kutokana na wasaliti wanaohadaa Ummah na kusimama dhidi yetu na Ushindi.

Kinga ya Muislamu

Dua ya Kuwaombea Maadui

"Allahumma Munzil-il-Kitaabi, Sarii'-il-hisaabi, ihzim-il-ahzaaba, Allahumma-hzimhum wazalzilhum." [Muslim3/1362]

UHAI MOYONI

QUR'AN

[illegible] (TAWBAH 38-39)

HADITH

[illegible]

TANGAZO MUHIMU

TA'LEEM PROGRAM

At Parkroad Masjid

Sunday: [illegible]

Subject: Aqeedah

Wednesday: [illegible]

Subject: Fiqh

Friday: [illegible]

Subject: Tafseer

[illegible]

Subject: Hadith (40 Annawawi)

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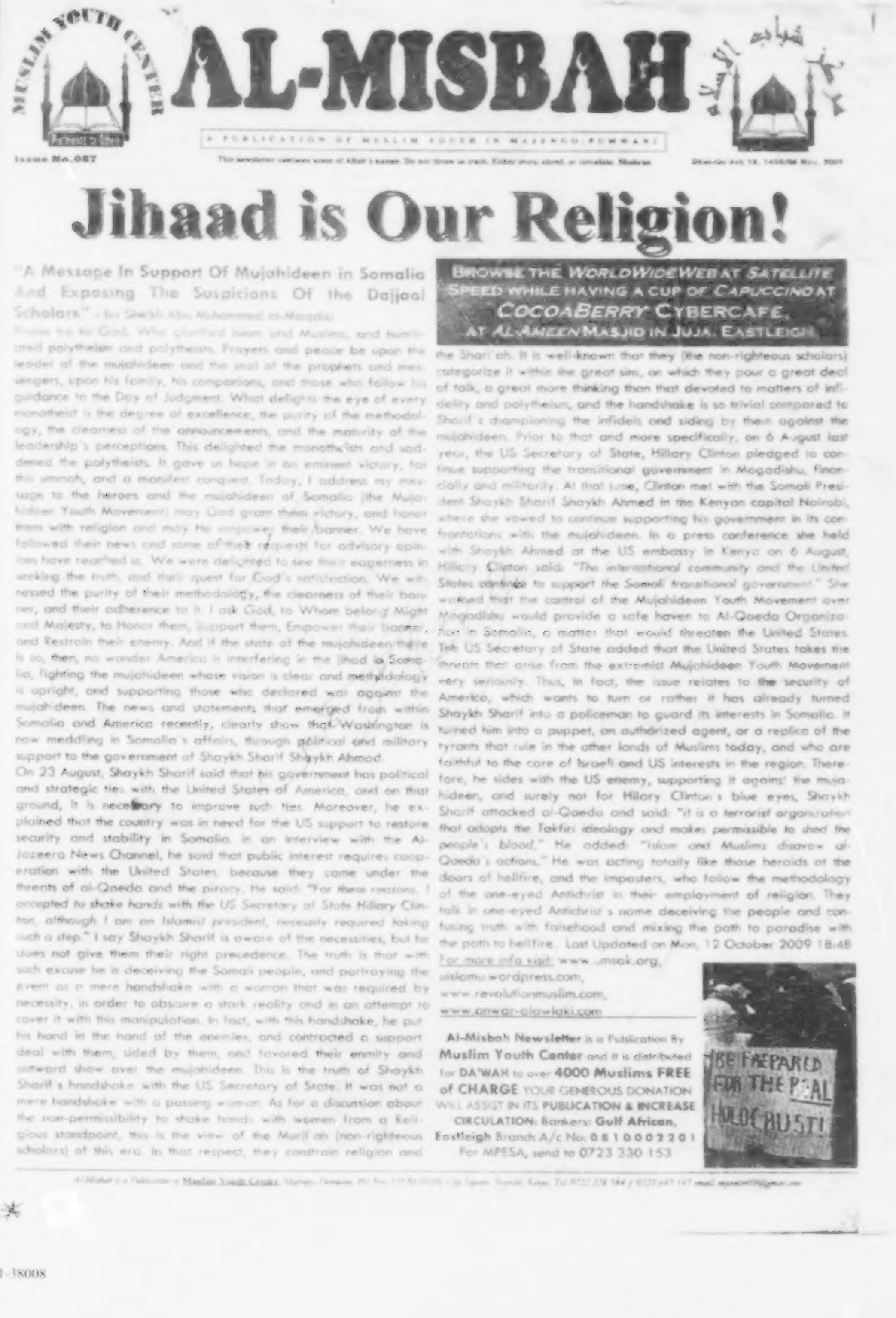
Markazu Shabaab-l-Islam

Annex 2.2.c.: Al-Misbah Weekly Newsletter, Issue No.087, 6 November 2009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BE PREPARED FOR THE R AL HOLOCAUST!

AL-MISBAH

A PUBLICATION OF MUSLIM YOUTH IN MAJENGO, PUMWANI

Issue No.087

Jihaad is Our Religion!

BROWSE THE *WORLDWIDEWEB* AT *SATELLITE* SPEED WHILE HAVING A CUP OF *CAPUCCINO* AT *COCOABERRY* CYBERCAFE, AT *AL-AMEEN* MASJID IN JUJA, EASTLEIGH

"A Message In Support Of Mujahideen in Somalia And Exposing The Suspicions Of the Dajjaal Scholars" - by Sheikh Abu Muhammad al-Maqdisi

Praise be to God, Who glorified Islam and Muslims, and humiliated polytheism and polytheists. Prayers and peace be upon the leader of the mujahideen and the seal of the prophets and messengers, upon his family, his companions, and those who follow his guidance to the Day of Judgment. What delights the eye of every monotheist is the degree of excellence, the purity of the methodology, the clearness of the announcements, and the maturity of the leadership's perceptions. This delighted the monotheists and saddened the polytheists. It gave us hope in an eminent victory, for this ummah, and a manifest conquest. Today, I address my message to the heroes and the mujahideen of Somalia (the Mujahideen Youth Movement) may God grant them victory, and honor them with religion and may He empower their banner. We have followed their news and some of their requests for advisory opinions have reached us. We were delighted to see their eagerness in seeking the truth, and their quest for God's satisfaction. We witnessed the purity of their methodology, the clearness of their banner, and their adherence to it. I ask God, to Whom belong Might and Majesty, to Honor them, Support them, Empower their banner, and Restrain their enemy. And if the state of the mujahideen there is so, then, no wonder America is interfering in the Jihad in Somalia, fighting the mujahideen whose vision is clear and methodology is upright, and supporting those who declared war against the mujahideen. The news and statements that emerged from within Somalia and America recently, clearly show that Washington is now meddling in Somalia's affairs, through political and military support to the government of Shaykh Sharif Shaykh Ahmad.

On 23 August, Shaykh Sharif said that his government has political and strategic ties with the United States of America, and on that ground, It is necessary to improve such ties. Moreover, he explained that the country was in need for the US support to restore security and stability in Somalia. In an interview with the Al-Jazeera News Channel, he said that public interest requires cooperation with the United States, because they came under the threats of al-Qaeda and the piracy. He said: *"For these reasons, I accepted to shake hands with the US Secretary of State Hillary Clinton, although I am an Islamist president, necessity required taking such a step."* I say Shaykh Sharif is aware of the necessities, but he does not give them their right precedence. The truth is that with such excuse he is deceiving the Somali people, and portraying the event as a mere handshake with a woman that was required by necessity, in order to obscure a stark reality and in an attempt to cover it with this manipulation. In fact, with this handshake, he put his hand in the hand of the enemies, and contracted a support deal with them, sided by them, and favored their enmity and outward show over the mujahideen. This is the truth of Shaykh Sharif's handshake with the US Secretary of State. It was not a mere handshake with a passing woman. As for a discussion about the non-permissibility to shake hands with women from a Religious standpoint, this is the view of the Murji'ah (non-righteous scholars) of this era. In that respect, they constrain religion and the Shari'ah. It is well-known that they (the non-righteous scholars) categorize it within the great sins, on which they pour a great deal of talk, a great more thinking than that devoted to matters of infidelity and polytheism, and the handshake is so trivial compared to Sharif's championing the infidels and siding by them against the mujahideen. Prior to that and more specifically, on 6 August last year, the US Secretary of State, Hillary Clinton pledged to continue supporting the transitional government in Mogadishu, financially and militarily. At that time, Clinton met with the Somali President Shaykh Sharif Shaykh Ahmed in the Kenyan capital Nairobi, where she vowed to continue supporting his government in its confrontations with the mujahideen. In a press conference she held with Shaykh Ahmed at the US embassy in Kenya on 6 August, Hillary Clinton said: *"The international community and the United States continue to support the Somali transitional government."* She warned that the control of the Mujahideen Youth Movement over Mogadishu would provide a safe haven to Al-Qaeda Organization in Somalia, a matter that would threaten the United States. The US Secretary of State added that the United States takes the threats that arise from the extremist Mujahideen Youth Movement very seriously. Thus, in fact, the issue relates to the security of America, which wants to turn or rather it has already turned Shaykh Sharif into a policeman to guard its interests in Somalia. It turned him into a puppet, an authorized agent, or a replica of the tyrants that rule in the other lands of Muslims today, and who are faithful to the core of Israeli and US interests in the region. Therefore, he sides with the US enemy, supporting it against the mujahideen, and surely not for Hilary Clinton's blue eyes, Shaykh Sharif attacked al-Qaeda and said: *"it is a terrorist organization that adopts the Takfiri ideology and makes permissible to shed the people's blood."* He added: *"Islam and Muslims disavow al-Qaeda's actions."* He was acting totally like those heralds at the doors of hellfire, and the imposters, who follow the methodology of the one-eyed Antichrist in their employment of religion. They talk in one-eyed Antichrist's name deceiving the people and confusing truth with falsehood and mixing the path to paradise with the path to hellfire. Last Updated on Mon, 12 October 2009 18:48

For more info visit: www.umsak.org,
uislamu.wordpress.com,
www.revolutionmuslim.com,
www.anwar-alawlaki.com

Al-Misbah Newsletter is a Publication By **Muslim Youth Center** and it is distributed for **DA'WAH** to over **4000 Muslims FREE of CHARGE** YOUR GENEROUS DONATION WILL ASSIST IN ITS **PUBLICATION & INCREASE CIRCULATION:** Bankers: **Gulf African, Eastleigh** Branch A/c No: **0810002201**
For MPESA, send to 0723 330 153

The Muslim Fortress

Supplication against the enemies

"Allahumma Munzil-il-Kitaabi, Sarii'-il-hisaabi, ihzim-il-ahzaaba, Allahumma-hzimhum wazalzilhum." [Muslim3/1362]

ALIVE HEART

QUR'AN

Allah SW says: "O you who believe! What is the matter with you, that when you are asked to march forth in the Cause of Allah (i.e. Jihaad) you cling heavily to the earth? But little is the enjoyment of the life of this world as compared to the Hereafter. If you march not forth, He will punish you with a painful torment and will replace you by another people; and you cannot harm Him at all, and Allah is Able to do all things" [TAWBAH 38-39]

HADITH

"People will come to a time, their hearts will be the hearts of A'ajim it was asked: and what is the hearts of A'ajim The Prophet answered: It is the love of the world, their way is the way of the nomads whatever Allah bestows upon them they invest it in cattle, THEY SEE JIHAD AS HARMFUL, and SADAQAH as an Expense" [Musnad Zawaid]

IMPORTANT NOTICE

TA'LEEM PROGRAM:

At Parkroad Masjid

[courtesy of Kabarnet]

Sunday: Sheikh Hassan Mohamed

Subject: Aqeedah

Wednesday: Sheikh Abdulatif

Subject: Fiqh

Friday: Sheikh Ahmad Uthman

Subject: Tafseer

44 Ways of Supporting Jihaad

By Anwar al Awlaki [www.anwar-alawlaki.com]

[continued from last week]

12.Defending the Mujahideen and standing up for them

The Messenger of Allah (saaws) says: ***"Whoever protects the reputation of his brother, Allah will protect his face from Hell Fire on the Day of Judgment" (Related by al Tirmithi)*** He also says: ***"Any person who betrays a Muslim whose sanctity is being violated and reputation is being dishonored, Allah will betray him when he is in need of help and any person who protects a Muslim whose sanctity is being violated and reputation is being dishonored, Allah will assist him when he is in need of help" (Related by Abu Dawud)*** It is therefore our Islamic duty to stand up for the ones who are defending us and our religion. As a rule of thumb, we should never side by word or deed against our brothers in Islam especially the ones who have given up their lives for Islam and we should never side by word or deed with the disbelievers who are the enemies of our most beloved, Allah subhanahu wa ta'aala. And if one cannot speak the truth then at least they should remain silent.

13. Fighting the lies of the Western Media

The perceptions of many Muslims are formed by the Western media. Allah says: ***"O you who have believed, if there comes to you a disobedient one (fasiq) with information, investigate, lest you harm a people out of ignorance and become, over what you have done, regretful" (49:6)*** So what about when the news is coming from a kafir rather than a fasiq?! The danger of the Western media stems from the fact that it puts on the cloak of truth and objectivity when in reality it is no more than the mouthpiece of the devil. Can't you see that the Western media is constantly trying to underplay the atrocities committed by the West while exaggerating the violations – which are few and far in between – committed by Muslims? Can't you see how the Western media succeeded in presenting the awlyaa' (friends) of Allah, the ones who are fighting in His cause, as the followers of evil, while it presents the Pharaoh of this day and his armies as the army of [illegible]? The Western media is so good in its deception that its lies pass on a wide section of the Muslim ummah. The fact is that this media demonizes the mujahideen, spreads lies about them, blows out of proportion their mistakes, tries to sow the seeds of disunity amongst them, attempts to ruin the reputations of their leaders, and ignores or demonizes the scholars of truth when on the other hand, it glorifies and promotes the scholars of falsehood. So my dear brothers and sisters part of your duty is to campaign amongst Muslims to raise their awareness regarding this issue. You should encourage them to be careful and critical of the Western media. A Muslim should not believe Western sources unless they are confirmed by a trustworthy Muslim one. I say a "trustworthy" Muslim source because the verse was warning us from accepting the news of a disobeying Muslim. Now that is not to say that we should not believe the media in anything it says even in its weather forecasts! No, what we are saying is that you should not believe what they say about Islam and Muslims. A media source that could otherwise be very objective and truthful could become a fabricator when it comes to covering news on Muslims. That is how the disbelievers dealt with Muslims since the dawn of history…and there is no reason for us to believe why that would change.

MUSLIM YOUTH CENTER

Markazu-Shabaab-il-Islam

This is a Muslim Youth Center which has several Da'wah activities aimed at offering educational opportunities for the youth, [illegible]

The center is based in Majengo, Pumwani, Nairobi

[illegible]

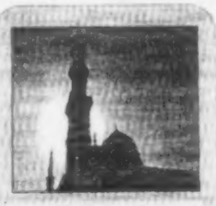
Afwan Medical Centre & Nursing Home

Opposite Pumwani Maternity, Main Entrance

P. O. Box 46041 - 00100 Nairobi Tel: 0723 937630/ 0722 107811/ 0722 734732

Services available;

- Children's Clinic
- Hypertension & Heart Specialist Clinic
- Laboratory
- Pharmacy
- Dental Clinic
- Maternity
- Surgery
- Circumcision
- Diabetic Clinic
- Home-based Care
- Ear, Nose, Throat Specialist



Muslim Youth Library

This is a project of Muslim Youth Center and it offers a wide range of learning facilities and programs:

Arabic language, Friday Khutbas, Al-Misbah, Islamic Literature & Durus, Computers and much more!

The Library is Open

Mon-Sun

09:00 hrs - 21:00 hrs

Namna 44 za Kusaidia Jihaad

Na Anwar al Awlaki [www.anwar-alawlaki.com]

[inaendelea kutoka wiki jana]

12.Kuwalinda Mujahideen na kusimama nao pamoja

Mtume wa Allah (saaws) amesema: ***"Yeyote atakaye ilinda heshima na jina la ndugu yake, Allah atailinda uso wake kutokana na moto wa Jahannam Siku ya Malipo"*** *(imepokewa na al Tirmithi)* Pia Mtume (saaws) akasema: ***"Mtu yeyote atakae msaliti Muislamu ambaye heshima yake itaharibiwa na jina lake kuchafuliwa, Allah atamsaliti wakati atakuwa na haja ya usaidizi. Na yeyote atakaye mlinda na kumnusuru Muislamu mwenye kuvunjiwa heshima yake na jina lake kuharibiwa, Allah atamsaidia wakati atahitajia msaada"*** *(imepokewa na Abu Dawud)* Kwa hivyo ni jukumu letu la Uislamu kuwasimamia wanaotutetea sisi pamoja na Uislamu. Kwa kawaida, ni lazima tujiepushe na kuwapiga vita ndugu zetu, ima kwa maneno au vitendo, khasa waliotoa maisha yao kwa ajili ya Uislamu na pia tushirikiane, ima kwa maneno au vitendo, na makafiri ambao ni maadui wa Allah subhanahu wa ta'aala. Na ikiwa mtu hawezi kuzungumza ukweli basi ni bora kwake kunyamaza kimya.

13. Kupiga Vita Uongo wa Khabari za Magharibi

Fikra za Waislamu wengi zinaambatana na khabari za Magharibi. Allah amesema: ***"Enyi mlioamini, ikiwa atawajieni mtu muovu (faasiq) na khabari, zichunguzeni, huenda mukadhuru watu bila ya kujua, na kisha mukawa, kwa mliyoyatenda, wenye kujuta"*** *(49:6)* Je ikiwa khabari zenyewe zatoka kwa makafiri na si faasiq? Hatari ya khabari za magharibi ni kuwa zinachipuka kutokana na vazi la haki na malengo lakini ukweli khasa ni kwamba ni mdomo unaotangaza malengo ya shetani. Je huoni kuwa khabari za kimagharibi daima wanajaribu kufanya mauaji makubwa waliyoyafanya wenyewe kuwa ni mambo sahali ama mauaji madogo yaliyofanywa na Waislamu kuyafanya ni makubwa na yamepindukia mpaka? Huoni kuwa wanakhabari wa kimagharibi walivyotautu kuwafanya wapenzi wa Allah wanaopigana katika Njia Yake, kuwa ni wafuasi wa maovu, na kumfanya fir'aun wa zama zetu pamoja na majeshi yake kuwa ndiyo jeshi la wema? Wanakhabari wa Magharibi ni wataalamu katika kuhadaa mpaka uongo wao unaenea wengi katika Waislamu. Ukweli ni kwamba hizi khabari zinowatia doa mujahideen, kueneza uongo kuwahusu, wanafanya makubwa makosa madogo ya mujahideen, wanajaribu kutia mbegu ya chuki baina yao, wanajaribu kuwatia dosari viongozi wao, na kutowajali ama kutusi wasomi wa haki, ama katika upande wa pili, inawatukuza na kuwakuza wasomi waovu. Kwa hiyo ndugu zangu moja katika jukumu lenu ni kuwaelezea Waislamu, kuwafahamisha kuhusu hili jambo. Uwatilie bidii wawe waangalifu na wachunguzi wa khabari za magharibi. Muislamu asiamini khabari za Magharibi mpaka zithibitishwe na khabari za Waislamu wakweli. Nasema "Waislamu wakweli" kwa sababu aya ilikuwa inatuonya kukubali khabari za Muislamu faasiq. Na haimaanishi kuwa tusiamini khabari zozote za Magharibi hata za hali ya angai La, tunachosema ni kuwa usiamini wanachosema kuhusu Uislamu na Waislamu. Kituo cha Khabari ambacho huenda kikawa chenye malengo na ukweli yaweza kuwa ni wazushi wanapozungumzia khabari za Waislamu. Hivyo ndivyo makafiri wamekuwa wakikaa na Waislamu tangu zama za historia... na hamna sababu yoyote kuonesha kuwa hilo huenda likabadilika.

Kinga ya Muislamu

Dua ya Kuwaombea Maadui

"Allahumma Munzil-il-Kitaabi, Saril'-il-hisaabi, ihzim-il-ahzaaba, Allahumma-hzimhum wazalzilhum." [Muslim3/1362]

UHAI MOYONI

QUR'AN

Allah amesema: "Enyi Mlioamini! Mna nini mnapoambiwa: 'Nendeni' (Jihaad) kwa ajili ya dini ya Allah mnajitia uzito katika ardhi? Je, mumeridhika na maisha ya dunia badala ya Akhera? Lakini starehe za maisha ya dunia kwa Akhera ni kidogo. Kama hamtatoka atakuadhibuni kwa adhabu inayoumiza, na atawaleta watu wengine badala yenu, wala hamtamdhuru na chochote, na Allah ni Muweza juu ya kila kitu" [TAWBAH 38-39]

HADITH

"[illegible] watafika zama, nyoyo zao zita[illegible] nyoyo za A'ajim [illegible] nyoyo za A'rabu [illegible] dunia, [illegible] chochote Allah anawaonyesha [illegible] katika mifugo. WANAONA JIHAD NI MADHARA, na SADAQAH ni Gharama" [MajmaZawaid]

TANGAZO MUHIMU

TA'LEEM PROGRAM:

Sheikh Hassan Mohamed has a Darsa in Majengo, Masjid Sunnah

Every Saturday

Subject: Hadith [40 Annawawi]

All Durus are conducted after Maghrib

All are Welcome. Shukran!

Maktabatu Shabaab il Islam

Huu ni aradi wa Markazu-Shabaab-il Islam na inapeana vifaa tofauti pamoja na barnamij za elimu.

Lugha ya kiarabu, Khutba za Ijumaa, Al-Misbah, Vitabu vya Kiislamu na Durus.

Kompyuta na menginevyo!

Maktaba inafunguliwa Jumatatu hadi Jumapili

09:00 hrs - 21:00 hrs

Pumwani Riyadha Mosque Committee

Hereby takes this opportunity to remind all its members of the **Continuing Member Registration Exercise** at Maratib offices. Please make a point of confirming your Registration.

The exercise has been extended for one more week.

Closing date 14th November 2009

Want to Assist in Da'wah advertise with us . . .

Every Cent goes to Our Numerous Da'wah Activities

Call 0723 002 727 / 0722 228 584 / 0722 647 147

"JIHAD IS OUR RELIGION"

T-Shirts FOR SALE

Adult Size 300/= Kids 250/=

Contact: 0722 228 584

0722 647 147 / 0723 002 727

Markazu-Shabaab-il-Islam

[illegible]

Majengo, Pumwani

Nairobi

[illegible]

Annex 2.2.d.:
Photograph of minor at a Muslim Youth Centre recruitment session, 20 October 2009[62]

Unidentified young boy at MYC Jihad training session, Masjid Nuur (Nuur Mosque) in Kawangware, Nairobi on 20 October 2009

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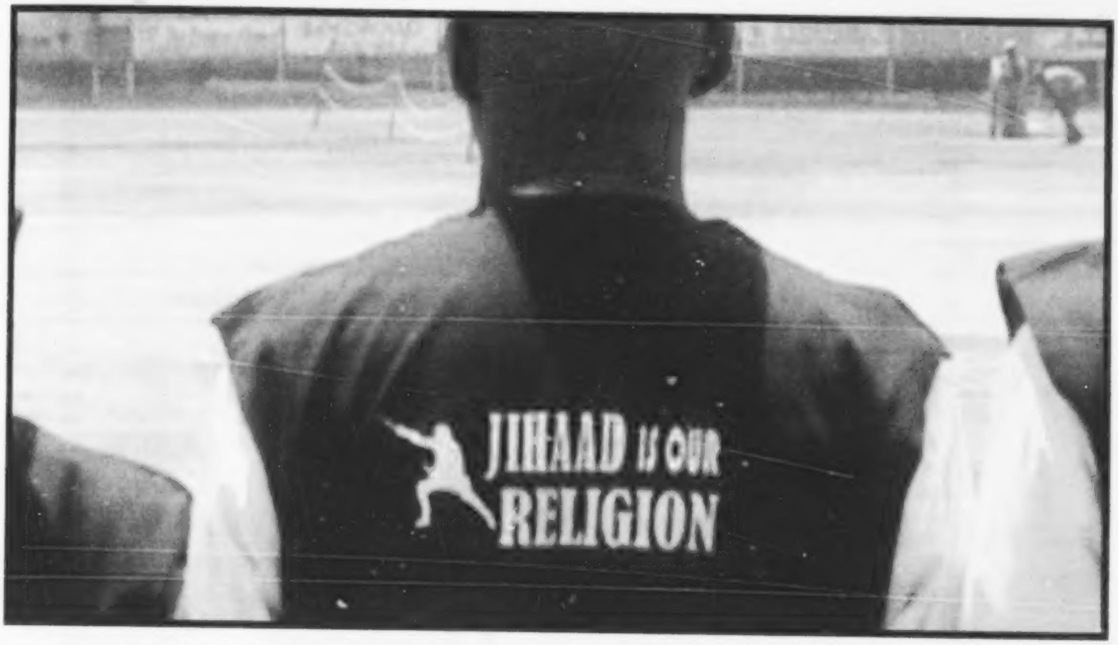
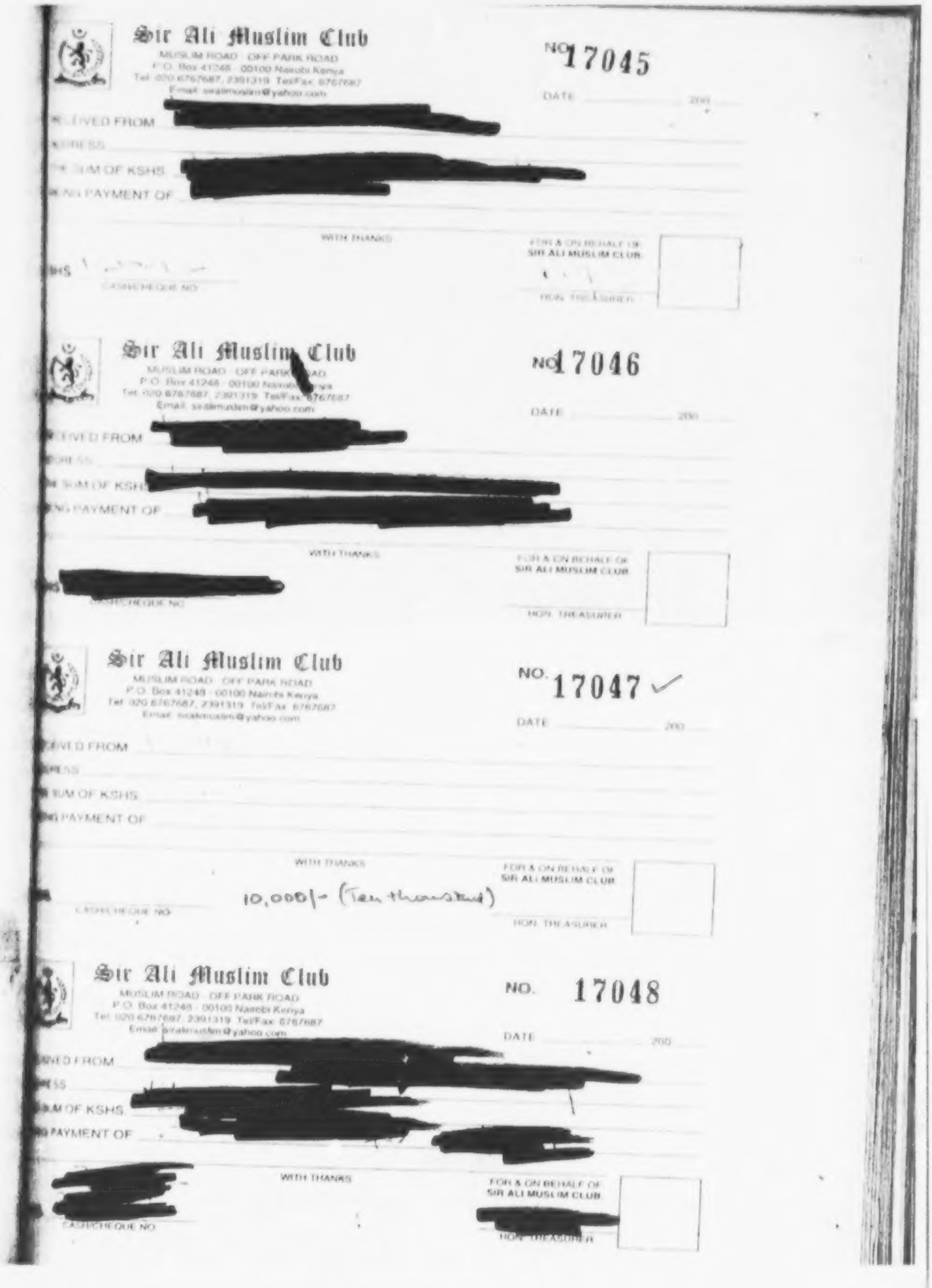
[62] Note: the image has been distorted to protect the subject's identity.

Annex 2.2.e.:
Photo of Muslim Youth Centre "Jihad training" at Sir Ali Muslim Club, Nairobi, 27 September 2009


JIHAAD IS OUR
RELIGION

Annex 2.2.f:
Muslim Youth Centre receipt for "Jihad training" event at Sir Ali Muslim Club, September 2009



Sir Ali Muslim Club
MUSLIM ROAD · OFF PARK ROAD
P.O. Box 41248 · 00100 Nairobi Kenya
Tel: 020 6767687, 2391319 Tel/Fax: 6767687
Email: siralimuslim@yahoo.com

No 17045

DATE .... 200 ....

CEIVED FROM [redacted]
DRESS
HE SUM OF KSHS [redacted]
ING PAYMENT OF [redacted]

WITH THANKS

HS
CASH/CHEQUE NO

FOR & ON BEHALF OF
SIR ALI MUSLIM CLUB
HON. TREASURER

Sir Ali Muslim Club
MUSLIM ROAD · OFF PARK ROAD
P.O. Box 41248 · 00100 Nairobi Kenya
Tel: 020 6767687, 2391319 Tel/Fax: 6767687
Email: siralimuslim@yahoo.com

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DATE .... 200 ....

CEIVED FROM [redacted]
DRESS
SUM OF KSHS [redacted]
NG PAYMENT OF [redacted]

WITH THANKS

[redacted]
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FOR & ON BEHALF OF
SIR ALI MUSLIM CLUB
HON. TREASURER

Sir Ali Muslim Club
MUSLIM ROAD · OFF PARK ROAD
P.O. Box 41248 · 00100 Nairobi Kenya
Tel: 020 6767687, 2391319 Tel/Fax: 6767687
Email: siralimuslim@yahoo.com

NO. 17047 ✓

DATE .... 200 ....

IVED FROM
RESS
UM OF KSHS
G PAYMENT OF

WITH THANKS

10,000/- (Ten thousand)
CASH/CHEQUE NO

FOR & ON BEHALF OF
SIR ALI MUSLIM CLUB
HON. TREASURER

Sir Ali Muslim Club
MUSLIM ROAD · OFF PARK ROAD
P.O. Box 41248 · 00100 Nairobi Kenya
Tel: 020 6767687, 2391319 Tel/Fax: 6767687
Email: siralimuslim@yahoo.com

NO. 17048

DATE .... 200 ....

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SS [redacted]
UM OF KSHS [redacted]
PAYMENT OF [redacted]

WITH THANKS

[redacted]
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FOR & ON BEHALF OF
SIR ALI MUSLIM CLUB
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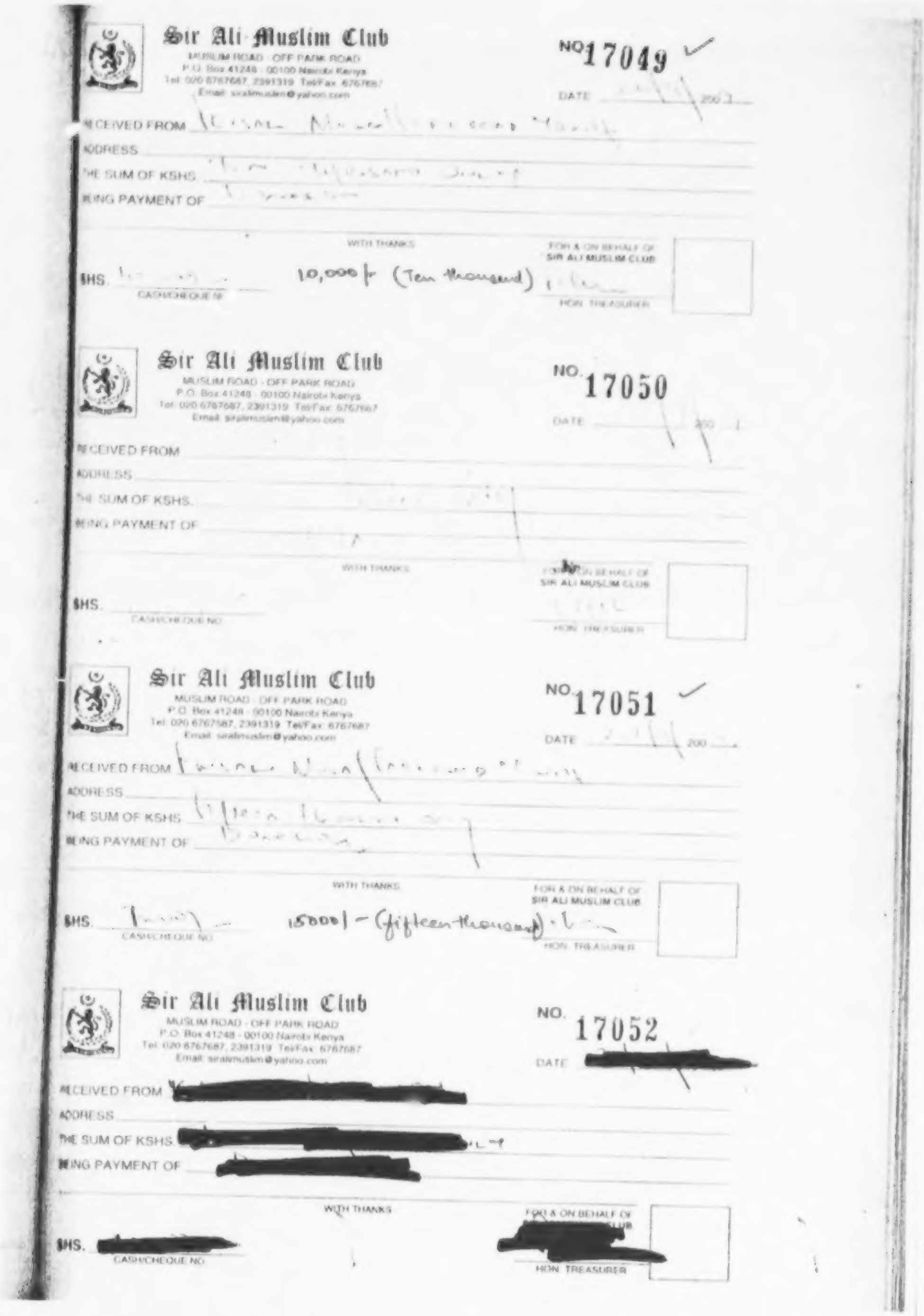
HON. TREASURER



Sir Ali Muslim Club
MUSLIM ROAD - OFF PARK ROAD
P.O. Box 41248 - 00100 Nairobi Kenya
Tel: 020 6767687, 2391319 Tel/Fax: 6767687
Email: siralimuslim@yahoo.com

NO 17049 ✓

DATE [illegible] 2003

RECEIVED FROM [illegible]
ADDRESS
THE SUM OF KSHS [illegible]
BEING PAYMENT OF [illegible]

WITH THANKS

SHS. [illegible] 10,000/= (Ten thousand)
CASH/CHEQUE NO

FOR & ON BEHALF OF
SIR ALI MUSLIM CLUB
HON. TREASURER

Sir Ali Muslim Club
MUSLIM ROAD - OFF PARK ROAD
P.O. Box 41248 - 00100 Nairobi Kenya
Tel: 020 6767687, 2391319 Tel/Fax: 6767687
Email: siralimuslim@yahoo.com

NO. 17050

DATE 200

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THE SUM OF KSHS
BEING PAYMENT OF

WITH THANKS

SHS.
CASH/CHEQUE NO

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SIR ALI MUSLIM CLUB
HON. TREASURER

Sir Ali Muslim Club
MUSLIM ROAD - OFF PARK ROAD
P.O. Box 41248 - 00100 Nairobi Kenya
Tel: 020 6767687, 2391319 Tel/Fax: 6767687
Email: siralimuslim@yahoo.com

NO. 17051 ✓

DATE [illegible] 200

RECEIVED FROM [illegible]
ADDRESS
THE SUM OF KSHS [illegible]
BEING PAYMENT OF [illegible]

WITH THANKS

SHS. [illegible] 15000/- (fifteen thousand)
CASH/CHEQUE NO

FOR & ON BEHALF OF
SIR ALI MUSLIM CLUB
HON. TREASURER

Sir Ali Muslim Club
MUSLIM ROAD - OFF PARK ROAD
P.O. Box 41248 - 00100 Nairobi Kenya
Tel: 020 6767687, 2391319 Tel/Fax: 6767687
Email: siralimuslim@yahoo.com

NO. 17052

DATE [redacted]

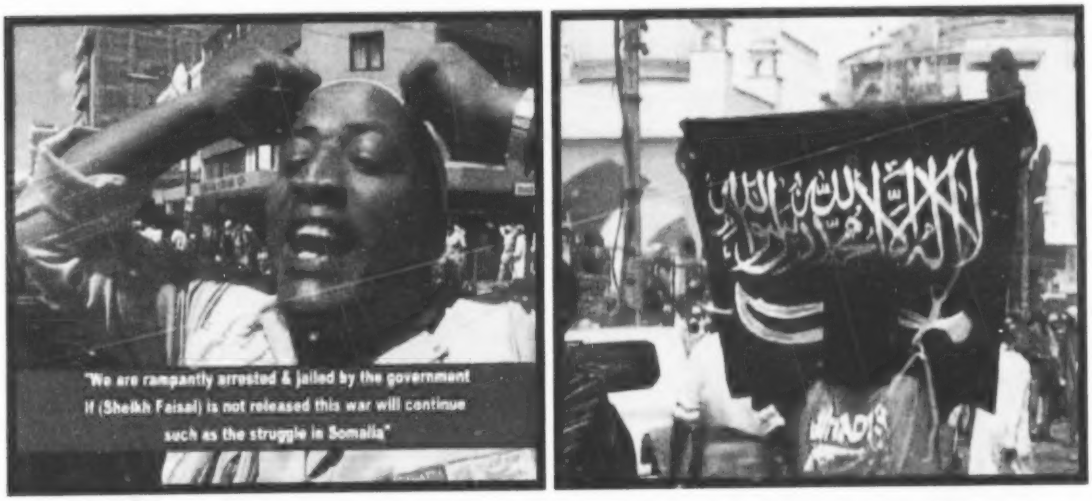
RECEIVED FROM [redacted]
ADDRESS
THE SUM OF KSHS [redacted]
BEING PAYMENT OF [redacted]

WITH THANKS

SHS. [redacted]
CASH/CHEQUE NO

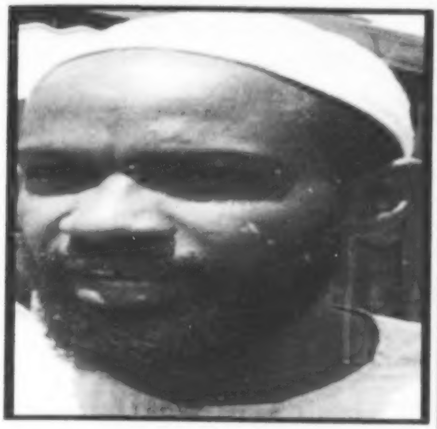
FOR & ON BEHALF OF [redacted] CLUB
HON. TREASURER

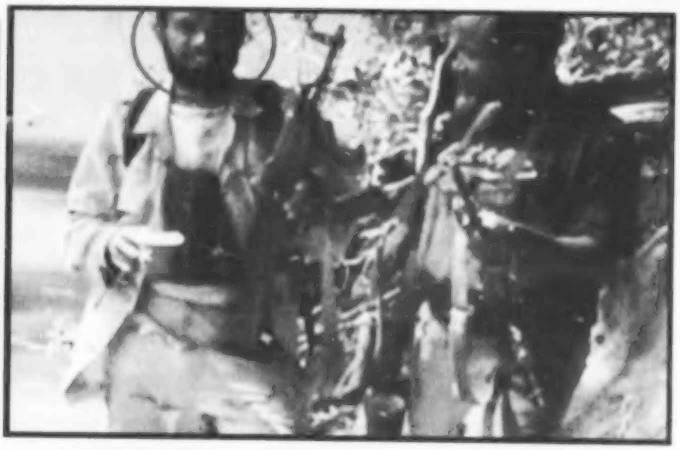
Annex 2.2.g :
Photograph of Muslim Youth Centre members at the Abdullah al-Faisal demonstration, 15 January 2010

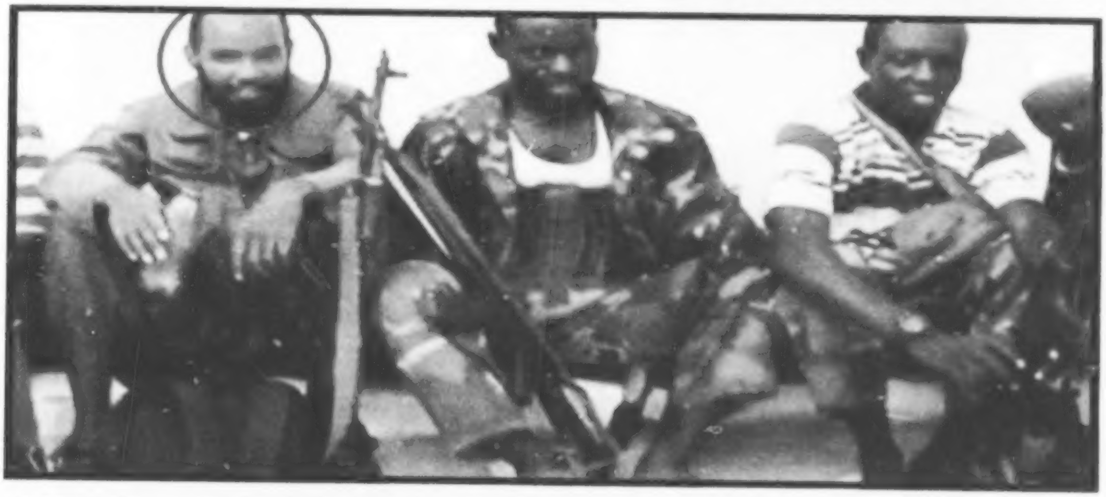

"We are rampantly arrested & jailed by the government
If (Sheikh Faisal) is not released this war will continue
such as the struggle in Somalia"

Members of MYC at Abdullah al-Fazial demonstrations, Nairobi, 15 January 2010.

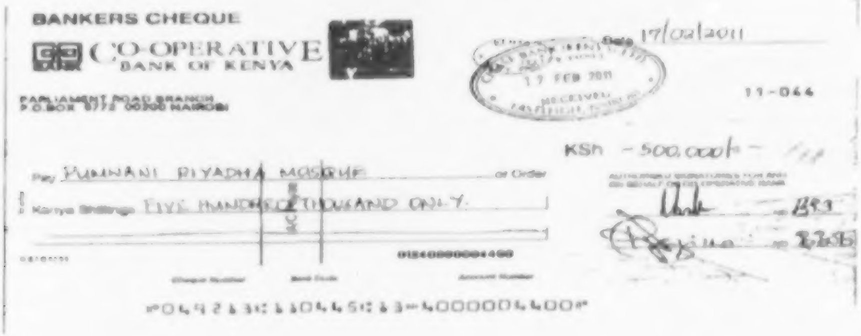
Annex 2.2.h.: Photographs of 'Amiir' Ahmad Iman Ali







Annex 2.2.i.: Copy of cheque donation by Honourable Amina Abdullah, Member of Parliament



BANKERS CHEQUE

CO-OPERATIVE BANK OF KENYA

PARLIAMENT ROAD BRANCH
P.O.BOX [illegible] 00300 NAIROBI

Date 17/02/2011

17 FEB 2011
RECEIVED

11-044

KSh -500,000/= -

Pay PUMWANI RIYADHA MOSQUE or Order

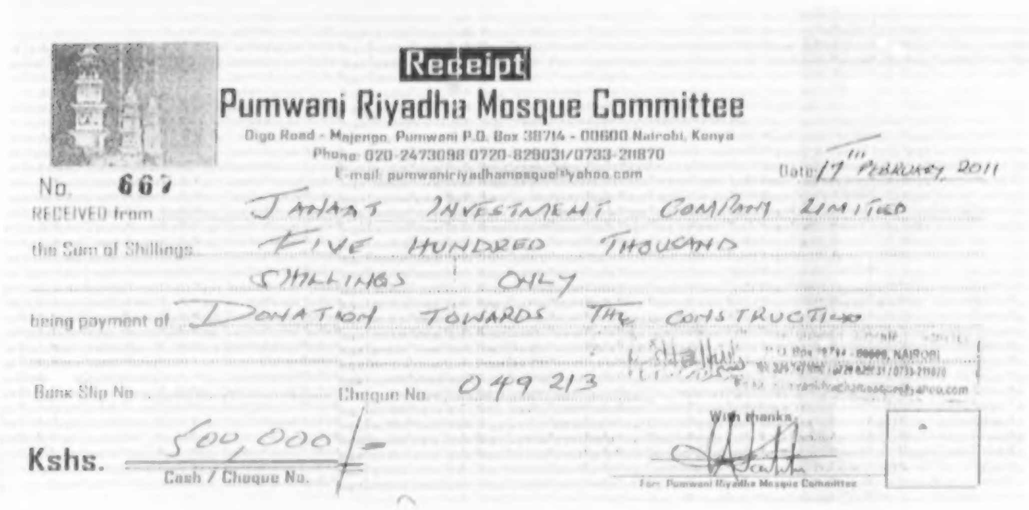
Kenya Shillings FIVE HUNDRED THOUSAND ONLY.

Cheque Number Bank Code Account Number

⑈049213⑈ 11044⑆ 13⑈4000004400⑈

Pumwani Riyadha Mosque Committee

A/c No- 6012 59001



Receipt

Pumwani Riyadha Mosque Committee

Digo Road - Majengo, Pumwani P.O. Box 38714 - 00600 Nairobi, Kenya
Phone: 020-2473098 0720-829031/0733-211870
E-mail: pumwaniriyadhamosque@yahoo.com

No. 667

Date 17th February 2011

RECEIVED from JAMAAT INVESTMENT COMPANY LIMITED

the Sum of Shillings FIVE HUNDRED THOUSAND SHILLINGS ONLY

being payment of DONATION TOWARDS THE CONSTRUCTION

Bank Slip No.

Cheque No. 049 213

Kshs. 500,000/=

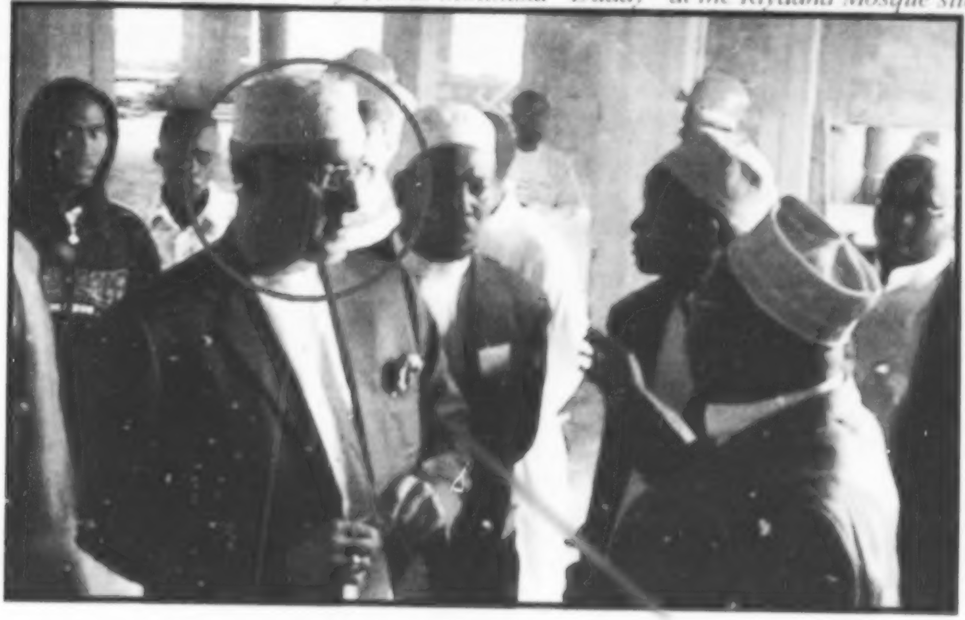
Cash / Cheque No.

With thanks,

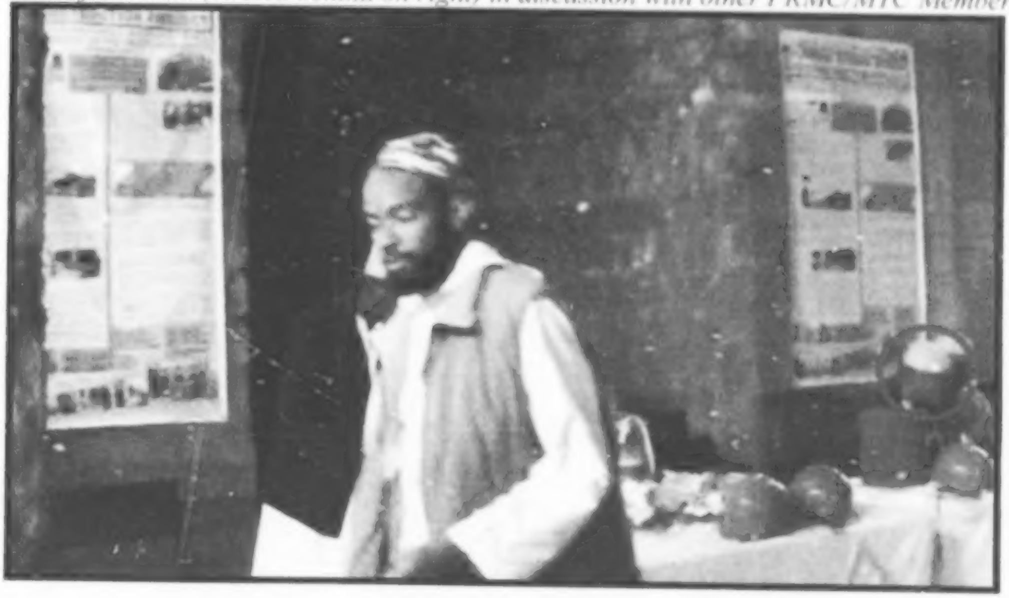
For: Pumwani Riyadha Mosque Committee

Annex 2.2.j.:
Kenyan Tourism Minister Najib Balala at Pumwani Riyaddha Mosque Committee/Muslim Youth Centre fund-raising event

Minister of Tourism, Najib Balala talking to MYC members including Abdul Karuri "Lovy", Abdi Mbithuka "Daddy" at the Riyadha Mosque site

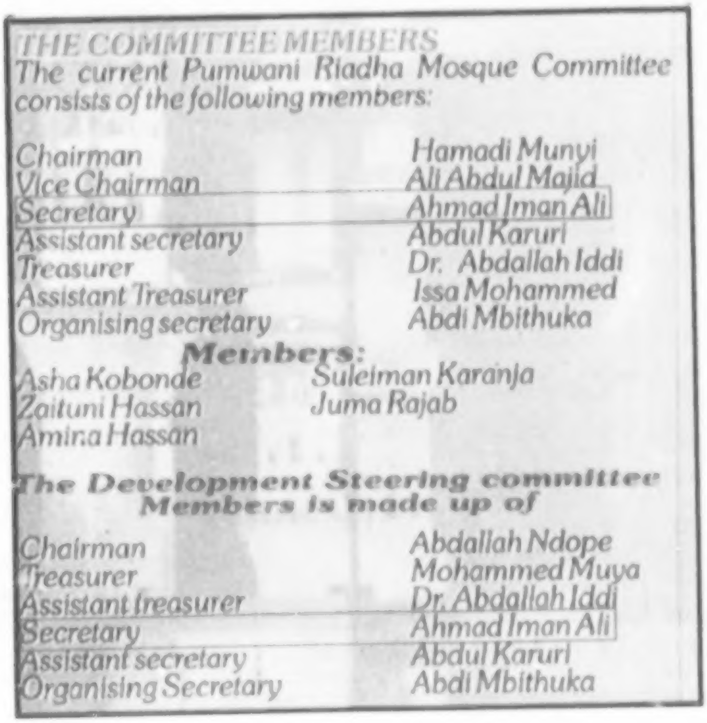


'Amiir' Ahmad Iman Ali coordinating the PRMC Fundraising event, with Najib Balala (circled behind on right) in discussion with other PRMC/MYC Members



Minister Najib Balala (left) handing a PRMC Development Steering Committee member a cash donation at the fund raising event

Excerpt from a PRMC flyer for the event



THE COMMITTEE MEMBERS

The current Pumwani Riadha Mosque Committee consists of the following members:

Chairman	Hamadi Munyi
Vice Chairman	Ali Abdul Majid
Secretary	Ahmad Iman Ali
Assistant secretary	Abdul Karuri
Treasurer	Dr. Abdallah Iddi
Assistant Treasurer	Issa Mohammed
Organising secretary	Abdi Mbithuka

Members:

Asha Kobonde	Suleiman Karanja
Zaituni Hassan	Juma Rajab
Amina Hassan	

The Development Steering committee Members is made up of

Chairman	Abdallah Ndope
Treasurer	Mohammed Muya
Assistant treasurer	Dr. Abdallah Iddi
Secretary	Ahmad Iman Ali
Assistant secretary	Abdul Karuri
Organising Secretary	Abdi Mbithuka

Annex 2.2.k.:
Transcript of audio recording of Ramadan Osao "Captain" and a Pumwani Riyaddha Mosque Committee member, 7 May 2011[63]

"D": Yes, yes.

Captain: There is no other better way.

"D": Yes, I agree.

Captain: You see how hard we are working; you should send us at least 1,000 Mzee. (laughs)

"D": (laughs) Yes. (Pauses) How are the rest?

Captain: With God's grace they are all fine.

"D": Ok. I will find a way to assist.

Captain: Hustle to find a way to get us the money. You know of those men who spend all their dollars on food and women. Find a way to get them to send money for our work.

"D": Ok, yes, yes.

Captain: This is what they should contribute to because the material world has no meaning now.

"D": Ok, yes.

Captain: God willing. Hustle, hustle. Work hard to send us the money.

"D": Ok, fine. I will. How is the Amiir [Ahmad Iman Ali]?

Captain: All are well. In fact, we are together with God's grace.

"D": Ok. That is good. Please pass my regards to all of them.

Captain: Ok. Have a word with Habib.[64] [Speaker 03]

"D": Thank you.

Karongo: (greets in Arabic) How are you?

"D": Fine, fine, with God's grace.

---

[63] On 7 May 2011, a telephone conversation took place between a PRMC official (using either +254723816658 or +254739714377) to +252 615740396 and a number associated with "Captain" (who also uses +252 618 508 948 and +8824 52909485).
[64] "Habib" is Suleiman Irungo Mwangi "Karongo", who is a physical trainer for Al Shabaab recruits. On 14 May 2011, the Monitoring Group interviewed Laura Zuena Mwangi who confirmed the voice of her brother "Karongo" as being "Habib".

Karongo: We have not heard from you in a long time.

"D": With God's grace, we are not complaining.

Karongo: You have heard of that Sheikh [Osama Bin Laden]. After several years he has found his way here.

"D": Who is that? (Remembers) Oh yes! After how many years?

Karongo: After more than 20 years.

"D": In that verse (quotes a verse in Arabic) Allah chooses his fighters.

Karongo: Yes, there is also a Hadith (verse) that says that a true Muslim has to find the reason. Without reason, you cannot justify the fight.

"D": Yes, yes. What happened with Asuu?

Karongo: Asuu, just like you had mentioned. He was chosen. And he was taken to Ethiopia (border of Ethiopia). But there was one of the leaders training them who died in Nairobi when he went there for treatment.

"D": And I hear that they have gone into hiding there. Are they still there?

Karongo: Yes they are still there. They are determined to smuggle themselves through the Kenya-Somalia border.

"D": Ok. If they are caught, they will become Shaheed (martyrs).

Karongo: That is where they are training and fighting.

"D": And where are you? Are you also stationed at the border?

Karongo: No. But I usually frequent the border with the rest every day.

"D": Ok. That is good.

Karongo: I am here with the Amiir and (name indistinct)

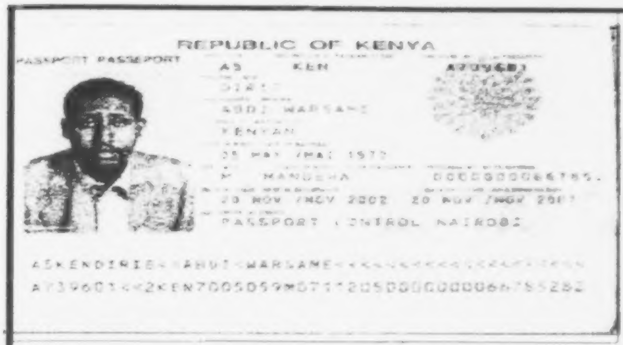
"D": Aha! That is nice. Let me top up my phone with money and call you back again to talk to the rest.

Karongo: Ok. God be with you.

"D": Ok.

End.

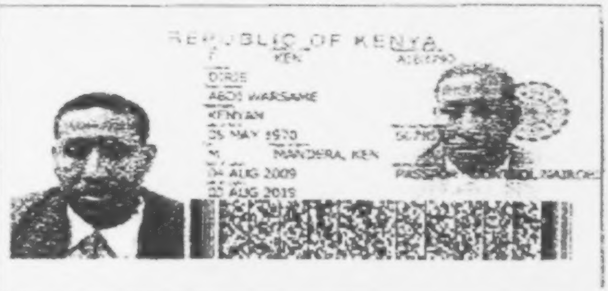
Annex 2.3.: Abdirahman Abdi Salawat passport



REPUBLIC OF KENYA
PASSPORT PASSPORT
AS KEN
ABDI WARSAME
KENYAN
M MANDERA
20 NOV /NOV 2002 20 NOV /NOV 2012
PASSPORT CONTROL NAIROBI

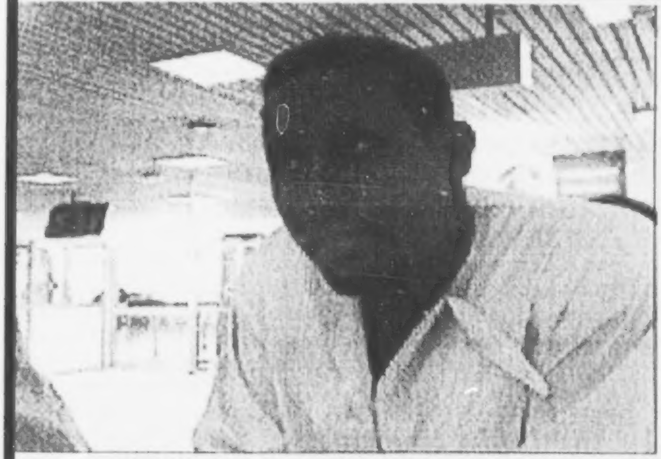
Forename :
Surname : DIRIE
DOB : 5/5/1970
Birth Place :
Height : 0.0
Gender : Male
Weight : 0.0
Occupation :
Nationality : KEN Kenya
Ethinicity :
Hair Color :
Eye Color :

Document Type	Document Number	Country	Issue Date	Expiration
KENYAN PASSPORT A	A739601	KEN Kenya		20/11/2012



REPUBLIC OF KENYA
KEN
DIRIE
ABDI WARSAME
KENYAN
05 MAY 1970
M MANDERA, KEN
04 AUG 2009
03 AUG 2015

Forename : ABDI WARSAME
Surname : DIRIE
DOB : 5/5/1970
Birth Place :
Height : 0.0
Gender : Male
Weight : 0.0
Occupation :
Nationality : KEN Kenya



Forename :
Surname : DIRIE
DOB : 5/5/1970
Birth Place :
Height : 0.0
Gender : Male
Weight : 0.0
Marital Status :
Nationality : KEN Keny
Ethinicity :
Hair Color :
Eye Color :

Annex 3

Al-Shabaab finances

Annex 3.1.: Case study: Al-Shabaab's 'charcoal for sugar' trade cycle

Charcoal Exports: Somalia's 'Black Gold'

1. Southern Somalia's principal export product, charcoal is gathered from pastoralist and agricultural areas, mainly from acacia forests in riverine zones between the Juba and Shabelle rivers.[1] Packaged and sold in sacks weighing 23-25kg each, charcoal has become the most lucrative source of income for Al-Shabaab. An estimated 80% of charcoal produced in Somalia is destined for export, mainly to GCC countries and only the remaining 20% for local population consumption.[2]

2. The Monitoring Group estimates the total trade volume of charcoal exports from southern Somalia to be in the range of 3.5-4.5 million sacks per year,[3] representing revenues for Al-Shabaab in excess of $15 million a year.[4]

Charcoal being loaded on a vessel in port of Kismaayo on 25 April 2011

CASE STUDY: Saleh Da'ud Abdulla, a privileged exporter of charcoal

The most important charcoal trader operating between Kismaayo and Baraawe, and the largest single exporter of charcoal to the GCC countries is Saleh Da'ud Abdulla (also spelled Dawud). He is the General Manager of Al Baoon Trading Co. L.L.C.[5] (also spelled Al Baun Trading Co. in Somalia), a general trading company based in Dubai, and alleged owner of MV Jhowhar (IMO 7707968),[6] a Panama flagged 'roll-on roll-off' (Ro-Ro) cargo vessel with a deadweight tonnage of 9,302 tons that regularly transports around 250,000 sacks of charcoal.[7] Da'ud also owns a company in Saudi Arabia.[8]

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[1] The UAE currently enforce a ban on livestock imports from southern Somalia.

[2] Zach Baxter, The Inventory of Conflict & Environment (ICE) case studies, Number 201, May, 2007, American University, accessed online on 13 April 2011 http://www1.american.edu/ted/ice/somalia-coal.htm. The practice of charcoal production in Somalia also causes grave environmental damage and exacerbates community conflicts.

[3] Several interviews conducted in the UAE with charcoal traders between November 2010 and March 2011.

[4] This is a conservative estimate.

[5] Al Baoon General Trading L.L.C. was registered in the Dubai Chamber of Commerce & Industry on 6 November 1995. Its Dubai License Number is 238116. Al Baoon listed shareholders are Ahmad Saeed Abdulla Al Sharif from the UAE and, Saleh Dawud Abdulla from Somalia (Annex 3.1.a). By law, most registered companies in the UAE need a UAE national partner or sponsor.

Business associates describe Da'ud as an ideological affiliate of Al-Shabaab, who prefers to collaborate only with partners who share his ideological orientation, mainly in Somalia and Saudi Arabia.[9] Three of his Somali partners are among the biggest charcoal exporters from Al-Shabaab controlled areas[10], and Hassan Dheere, a high-ranking Al-Shabaab officer at the port of Baraawe[11], is also a close business associate of Da'ud.

The Monitoring Group obtained two cargo manifests showing that Al Baoon Trading shipped 148,960 sacks of charcoal from the port of Kismaayo and 65,346 sacks of charcoal from the port of Baraawe to the port of Jizan in Saudi Arabia on 7 and 24 September 2010 respectively (Annex 3.1.b).

According to other charcoal traders from Kismaayo, Da'ud dominates the local market by buying charcoal at inflated prices and selling it at significant discounts in the GCC, incurring heavy losses on his side in return for shutting competitors out of the market.[12] Moreover, several of Da'ud's shipments between September 2010 and April 2011 burned in transit, incurring additional financial losses on his part.[13] According to other charcoal traders, Da'ud is able to sustain these losses because Al-Shabaab members and sympathizers in Saudi Arabia launder their contributions to the movement through Da'ud's accounts abroad, which also permits him to recoup his losses.[14]

In an attempt to verify these allegations, the Monitoring Group obtained a cheque issued by Al-Baoon showing its trading account as being domiciled at Mashreq bank in Dubai, United Arab Emirates (Annex 3.1.c). The Monitoring Group has written to the UAE authorities asking for records of Mr Dawud's accounts as well as his corporate profile in the UAE but received no reply.[15]

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[6] The registered owner of MV Jhowhar is Abdullahi/Alzahrani (IMO 5352479), Care of Jerusalem Shipping LLC (IMO 5134270), Hamriya Port Office 81, al-Hamriya Port, PO Box 87650, Dubai, United Arab Emirates. However, according to a Dubai based Somali transporter and trader, Saleh Da'ud is the "real" owner of MV Jhowhar (Interview conducted in Nairobi on 27 April 2011). In addition, the Monitoring Group obtained documentation showing that the consignee of Al Baoon charcoal shipments in Saudi Arabia is AlZahrani (See Annex 3.1.b).

[7] According to confidential military sources, MV Jhowhar was found present loading charcoal in Baraawe between 01 and 15 January 2011.

[8] Interviews conducted in Dubai with charcoal traders and transporters on 9 December 2010 and 6 February 2011.

[9] Interviews conducted in Dubai with Somali commodity and charcoal traders on 13 December 2011 and 6 February 2011.

[10] Interview conducted in Nairobi on 27 April 2011 with a Kismaayo resident and charcoal trader.

[11] Interview conducted in Nairobi on 20 April 2011 with a Dubai-based trader and transporter.

[12] Several interviews conducted in the UAE with charcoal traders in the UAE on 13 December 2010 and 6 February 2011.

[13] According to the transporter, part (about 40%) of the above mentioned cargo that sailed from Kismaayo and Baraawe to Jizan caught fire on the port of Jizan in early October 2010 (interview with the owner of MV QSM Dubai on 09 December 2010). In addition, the Group learned that MV Jhowhar caught fire at least 2 times during the course of the mandate (interview conducted in Nairobi on 20 April 2011 with a Dubai-based trader and transporter).

[14] Several interviews conducted in the UAE with charcoal traders on 06 February 2010.

[15] SEMG Letter to the Permanent Representative (PR) of the UAE, 16 April 2011.

Workers discharging 41,100 sacks of charcoal arriving from Southern Somalia at the creek port at Sharjah, UAE, on 8 February 2011

Imports of sugar and other commodities

3. The charcoal export trade is closely linked to the importation of sugar and other commodities to Al-Shabaab-controlled areas. Many vessels calling at Kismaayo discharge commodities before loading charcoal cargoes.

4. The Monitoring Group conservatively estimates the total volume of sugar imports in southern Somalia to be between 20,000 and 40,000 metric tons per year, most of which is imported via the port of Kismaayo in 50 kilogram sacks, and smuggled overland to neighbouring countries, particularly Kenya.[16] Import taxes on this trade represent estimated revenues of between US$400,000 and $800,000 per year for Al-Shabaab.[17] As with the charcoal trade, privileged sugar traders, affiliated with Al-Shabaab, are not taxed.

5. Most of the sugar imported to Somalia is supplied by international sugar and commodity trading houses and coordinated by a relatively small number of Somali traders based in the United Arab Emirates. Other commodities destined for Somalia, such as milk powder, vegetable oil, wheat flour

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[16] Commonly imported soft commodities are: sugar, rice, vegetable oil, milk, wheat flower and other consumption products. Commonly imported goods are: vehicles, diesel, and medicines.

[17] In April 2011, the Kismaayo port authorities fixed the sugar and foodstuff commodities import tax at $1.00 per 50kg sack, up from $0.50 per sack in mid-2010. In April 2011, the Kismaayo market price of each 50 kg sack of sugar was KES 2,700-3,200 (approximately US$33-US$40). Interview conducted in Nairobi on 20 April 1011 with a Dubai-based trader and, on 27 April 2011 with a Kismaayo resident and charcoal trader.

(as well as some high value goods such as electronics and vehicles) are traded by small UAE-based Somali traders who may also deal smaller volumes of sugar.

Privileged sugar importers

6. Like the charcoal trade, some of the major Somali commodity traders appear to benefit from privileged relationships with Al-Shabaab. The Monitoring Group has gathered evidence relating to a network of Somali businessmen who have anchored their operations in Dubai, and are linked to the charcoal trade.

7. The two largest sugar traders exporting to Kismaayo are Nour Mowafaq General Trading LLC (NMFQ)[18] and Sinwan General Trading LLC (SINWAN)[19], both of which are based in Dubai. Officially, NMFQ is managed by three Dubai-based traders from Bossaso and is a well-known exporter of sugar to Somalia (mainly to Bossaso and Mogadishu).[20] NMFQ shareholders have informed the Monitoring Group that NMFQ has traded large volumes of sugar with Abdulqadir Haji Abukar Adaani, the son of Abukar Omar Adaani, who was cited in the Monitoring Group's March 2010 report as a financier of Al-Shabaab.[21] The managers of NMFQ and Abdulqadir Haji Abukar Adaani shared the same office until 2006, and many of its directors have worked as traders in offices in Dubai operated by Abukar Omar Adaani.[22]

8. SINWAN is linked to Ahmed Nur Ali Jim'aale, who has been designated under Security Council Resolution 1267 (1999) for his prior association with the Somali Al-Qaeda-affiliated organization, Al-Itihaad Al-Islaami.[23] SINWAN's listed shareholders are Abdulrahman Sharafeddin from the UAE and, Abdirahman Ahmed Ali from Djibouti.[24] According to SINWAN business partners and former associates, Mr. Abdirahman Ahmed Ali is the son of Ahmed Nur Jim'aale.[25] In addition, Mohamud Omar Adaani, brother and business partner of Abukar Omar Adaani, owns at least 12.5 percent of SINWAN.[26]

9. The Monitoring Group has learned that Mr. Abdilrahman Ahmed Ali and Mr. Mohamud Omar Adaani signed a confidential Memorandum of Understanding establishing the real shareholder

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[18] Nour Mowafaq General Trading L.L.C. was registered in the Dubai Chamber of Commerce & Industry on 25 March 2002. Its Dubai License Number is 532731. NMFQ shareholders are Saeed Khalifa Mohamad AlFeqaei from the UAE, Abdul Qader Hassan Saeed from Ethiopia, Jeeli Mahmood Mohamad from Somalia, Ahmed Hassan Saeed from Ethiopia, Farah Hersy Ali from Ethiopia and, Abdulrhman Juma Saleh from Kenya (Annex 3.1.d). By law, most registered companies in the UAE need a UAE national partner or sponsor.

[19] SINWAN General Trading L.L.C. was registered in the Dubai Chamber of Commerce & Industry on 22 December 2009. Its Dubai License Number is 632562 (Annex 3.1.e).

[20] The three traders are: Abdul Qader Hassan Saeed (Managing Director), Farah Hersy Ali (Director) and, Jeeli Mahmood Mohamad. Interview conducted in Dubai with Abdul Qader Hassan Saeed and Jeeli Mahmood Mohamad on 5 April 2011.

[21] S/2010/91, paragraph 254.

[22] Interviews conducted in Dubai with several Somali traders on 12 and 13 December 2010 and 05 February 2011.

[23] Interview conducted with SINWAN business partners and former associates in Dubai on 31 March 2011.

[24] By law, most registered companies in the UAE need a UAE national partner or sponsor.

[25] Interview conducted with SINWAN business partners and former associates in Dubai on 27 and 31 March 2011.

[26] Mohamud Omar Adaani, who holds a Djiboutian citizenship, was mentioned in the Somalia Monitoring Group report S/2010/91 dated 10 March 2010 paragraph 254. Interview conducted in Dubai with Abdulqadir Haji Abukar Adaani on 31 March 2011. Abdulqadir Adaani was a shareholder (24%) in SINWAN and sold his shares to Abdirahman Ahmed Ali on 17 March 2011 (Annex 3.1.e).

structure of SINWAN.[27] Although this MOU is not legally binding in the UAE, it may be applicable in Djibouti given that both its signatories are Djibouti nationals.[28] Dubai-based Somali traders refer to SINWAN as a Jim'aale-Adaani front company.[29]

10. As proof of NMFQ and SINWAN's commercial relationship, the Monitoring Group has obtained documentation showing that NMFQ sold over 351,300 sacks of sugar (or 17,565 Metric Tons (MTs) of sugar) to SINWAN between May 2010 and March 2011. A NMFQ manager confirmed that SINWAN shipped part of the consignments to Kismaayo.[30]

11. While the full scale of their trading into Kismaayo in unknown, the Monitoring Group has obtained documentation demonstrating that these two companies traded at least 15,000 MT of sugar via Kismaayo between June 2010 and March 2011.[31]

12. On 2 May 2010 NMFQ chartered the MV Jaikur II[32] to transport 75,000 sacks of raw sugar to Kismaayo, and on 7 August 2010, it chartered the MV QSM Dubai[33] to transport a further 117,500 sacks. Although the shipments on MV QSM Dubai failed to declare Kismaayo as a destination on the Bill of Lading, NMFQ Managing Director Abdul Kadir Hassan Said sent a letter to the ship owner asking him to divert part of the shipments to Kismaayo.[34] On 24 August 2010 the MV QSM Dubai was effectively spotted at Kismaayo anchorage.[35]

13. Local purchasers of the 75,000 sacks on the MV Jaikur II paid at least US$75,000 in import taxes to the Al-Shabaab authorities in Kismaayo. The 117,500 sacks carried by the MV QSM Dubai represented a further $117,500 to the same authorities.[36]

14. In early April 2011, SINWAN chartered two motor supply vessels (MSV) vessels, Raj Sagar and Al-Alam, to Mogadishu and Kismaayo. These vessels were each transporting around 10,000 tons of raw sugar purchased from NMFQ.[37]

15. In addition to operations of SINWAN and NMFQ to Kismaayo, the Monitoring Group has obtained evidence that other sugar importers are shipping their product to Kismaayo, much of which is in turn smuggled into Kenya. In November and December 2010, for example, the Monitoring Group collected in Garissa, the capital of Kenya's North Eastern Province, sugar bags bearing the NMFQ logo smuggled from Kismaayo.

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[27] Interview conducted in Dubai with Abdulqadir Haji Abukar Adaani on 31 March 2011.

[28] Interview conducted in Dubai with a Dubai based Somali trader on 4 April 2011.

[29] Interviews with Dubai based Somali traders on 27 March 2011 and on 5 April 2011.

[30] Interview conducted in Dubai with Abdul Qader Hassan Saeed and Jeeli Mahmood Mohamad on 5 April 2011.

[31] Interview conducted in Dubai with Abdul Qader Hassan Saeed and Jeeli Mahmood Mohamad on 5 April 2011.

[32] Comoros flagged general cargo vessel (IMO 7420235), operated by Batroun Shipbrokers Co. LLC, Dubai Hamriya Harbour, PO Box 97417, Dubai, United Arab Emirates (registered owner: Emirates Coasts Shipping LLC, al-Hamriya Port, PO Box 99230, Dubai, UAE).

[33] Panama flagged general cargo vessel (IMO 7610062), operated by Qawareb Ship Management LLC, UAE (registered owner: QSM Dubai LTD, UAE).

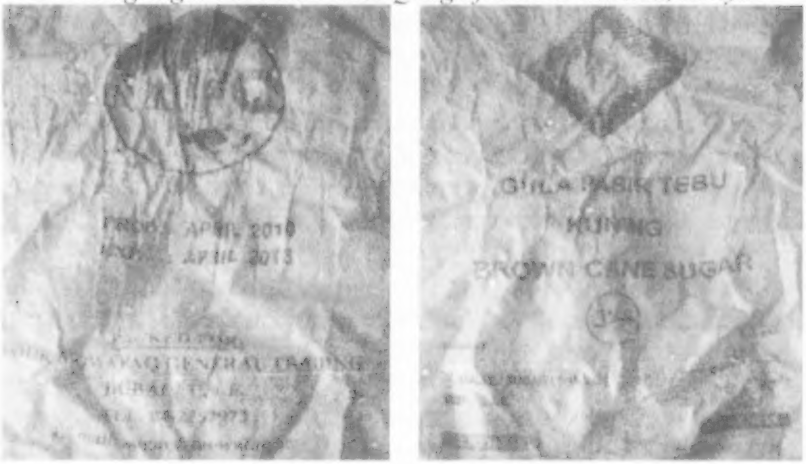
[34] Interview conducted in Dubai with a transporter familiar with MV QSM Dubai on 9 December 2010.

[35] Information obtained from confidential military source.

[36] As discussed in Annex 3.2 Kismaayo port authority charges $1 per bag of 50 Kg of sugar.

[37] Interview conducted in Dubai with Abdul Qader Hassan Saeed and Jeeli Mahmood Mohamad on 5 April 2011.

A 50 kg sugar sack with NMFQ logo found in Garissa, Kenya



16. In February 2011, the Monitoring Group collected several bags of sugar from the Dagahaley refugee camp in northeastern Kenya that had also been smuggled via Kismaayo. In this case, the sugar had been sold to another Dubai-based company, Mogadishu Stars,[38] which is managed by Abdulrazak Ali Warsame and his brother Mohamad Ali Warsame. Two separate sources have told the Monitoring Group that Mr. Mohamad Ali Warsame has a very close working relationship with Mr. Nur Jim'aale.[39] Abdulrazak Ali Warsame admitted to the Monitoring Group that Mogadishu Stars chartered MV Rozen[40] in October 2010 to transport 2,900 metric tons of raw sugar cargo from Madagascar to Kismaayo.[41]

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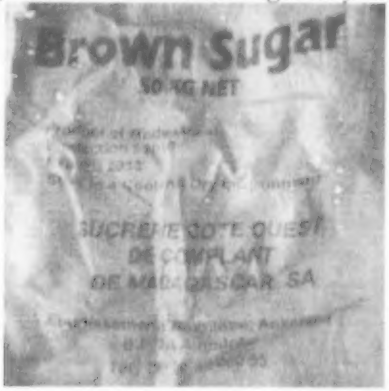
[38] Mogadishu Stars General Trading L.L.C. was registered in the Dubai Chamber of Commerce & Industry on 1 August 2007. Its Dubai License Number is 587457. It has eight registered shareholders (see annex 3.1.f).

[39] Interviews conducted in Dubai with a Dubai based Somali trader on 4 April 2011 and in Nairobi with a Mogadishu-based researcher on 3 April 2011. Mohamad Warsame is from the same sub-clan as General Mohamed Farrah Aidid, and was once known as being General Aidid's representative in Bakaara market. Through his presence in Bakaara, he has developed a working relationship with Mr. Jim'ale.

[40] St Vincent and Grenadines flagged general cargo vessel (IMO 7510688), operated by Motaku Shipping Agencies Ltd., Tangana Road, PO Box 80419, Mombasa, Kenya (registered owner: Park Navigation).

[41] Mogadishu Stars was responsible to deliver the goods on MV Rozen in Kismaayo. Interview conducted in Dubai on 6 April 2011.

Picture of a 50 Kg brown Sugar sack collected in Dagahaley camp



17. Commodity and charcoal traders work closely together to sustain the profitable charcoal-sugar cycle via Kismaayo. For example, Abdul Kadir Hassan Said, the managing director of NMFQ personally introduced charcoal dealer Saleh Da'ud Abdulla (see Case Study above) to the owner of MV QSM Dubai and encouraged the latter to transport Da'ud's charcoal cargo from Kismaayo to the Saudi Arabian port of Jizan.[42] Furthermore, when a business dispute erupted between the owner of MV QSM Dubai and Da'ud, Abdul Kadir Hassan Said, the managing director of NMFQ attempted to mediate a settlement between them.[43]

18. Abdurahman Ali Warsame (also spelled Werseme),[44] an individual trader based in Dubai, personifies the charcoal-sugar trade cycle through Kismaayo, and contraband trade into Kenya. On 5 May 2010, NMFQ shipped 20,000 sacks of 50 kg of sugar to Abdurahman Ali Warsame. The consignment was shipped to Kismaayo with the MV Jaikur II. On 7 August 2010, NMFQ shipped another 20,000 bags of sugar to Abdurahman Ali Warsame with the MV QSM Dubai to Kismaayo.[45] In late December 2010, Warsame chartered MSV Rezaqalah to transport charcoal from Kismaayo and Baraawe to Saudi Arabia. In addition, on 3 April 2011 he chartered MV Amal[46] to transport 123,840 sacks of charcoal from Kismaayo and Baraawe to the port of Jizan in the Saudi Arabia.[47]

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[42] Interview conducted in Dubai with a transporter familiar with MV QSM Dubai on 9 December 2010.

[43] Interview conducted in Dubai with a transporter familiar with MV QSM Dubai on 9 December 2010.

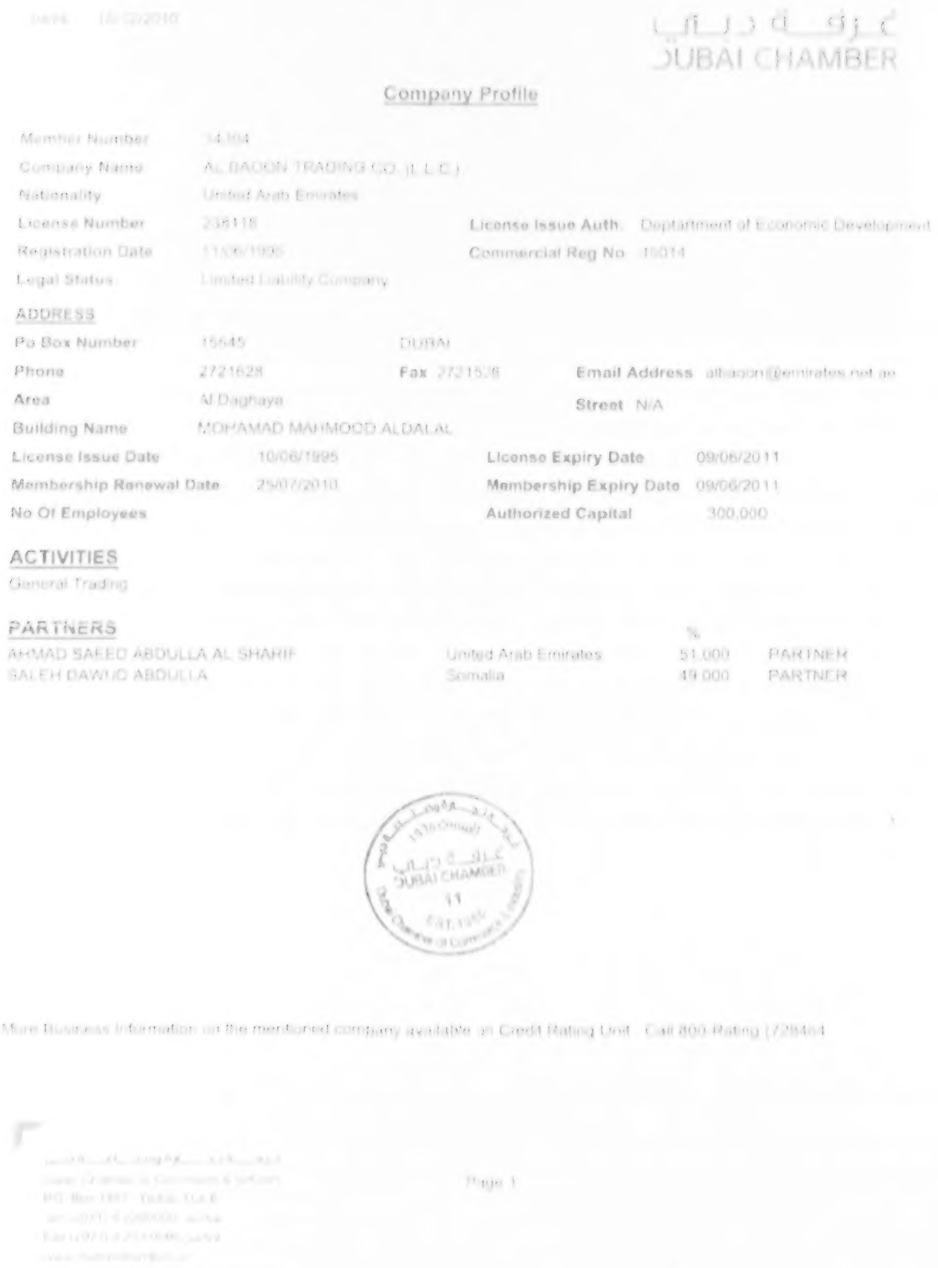
[44] Not related to above mentioned Abdulrazak Ali Warsame and his brother Mohamad Ali Warsame.

[45] Interview conducted in Dubai with Abdul Qader Hassan Saeed and Jeeli Mahmood Mohamad on 5 April 2011.

[46] Jordan flagged general cargo vessel (IMO 8204080). Registered owner and manager are unknown on date of writing.

[47] Interview conducted in Nairobi on 20 April 2011 with a Dubai-based trader and transporter familiar with MV Amal (Annex 3.1.g).

Annex 3.1.a.: Company profile Al Baoon General 2011



Date 15/12/2010

DUBAI CHAMBER

Company Profile

Member Number 34304
Company Name AL BAOON TRADING CO. (L.L.C.)
Nationality United Arab Emirates
License Number 238118
License Issue Auth. Department of Economic Development
Registration Date 11/06/1995
Commercial Reg No 15014
Legal Status Limited Liability Company

ADDRESS

Po Box Number 15545 DUBAI
Phone 2721628
Fax 2721526
Email Address albaoon@emirates.net.ae
Area Al Daghaya
Street N/A
Building Name MOHAMAD MAHMOOD ALDALAL
License Issue Date 10/06/1995
License Expiry Date 09/06/2011
Membership Renewal Date 25/07/2010
Membership Expiry Date 09/06/2011
No Of Employees
Authorized Capital 300,000

ACTIVITIES

General Trading

PARTNERS

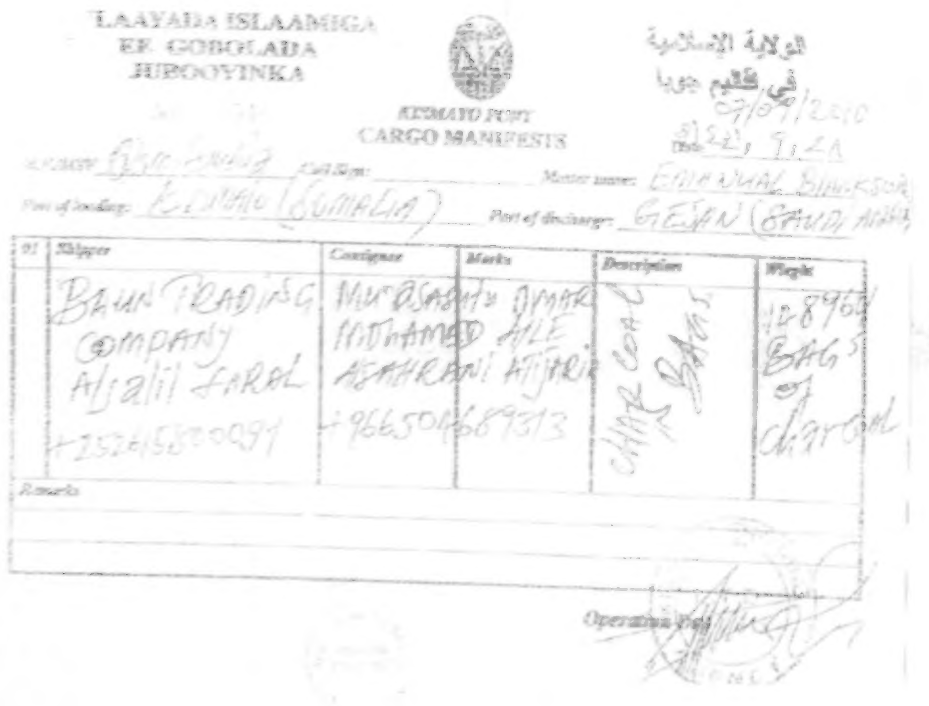
		%	
AHMAD SAEED ABDULLA AL SHARIF	United Arab Emirates	51.000	PARTNER
SALEH DAWUD ABDULLA	Somalia	49.000	PARTNER

11

More Business Information on the mentioned company available on Credit Rating Unit . Call 800-Rating (728464)

Page 1

Annex 3.1.b.: Kismaayo-Baraawe port manifest for Al Baoon General Trading



LAAYADA ISLAAMIGA
EE GOBOLADA
JUBOOYINKA

الولاية الإسلامية
في إقليم جوبا

KISMAYO PORT
CARGO MANIFESTS

07/09/2010
Date: ٢٧, ٩, ١٤٣١

Vessel: [illegible] Call Sign: ________ Motor name: EMMANUAL BINAKSON

Port of loading: KISMAYO (SOMALIA) Port of discharge: GEZAN (SAUDI ARAB

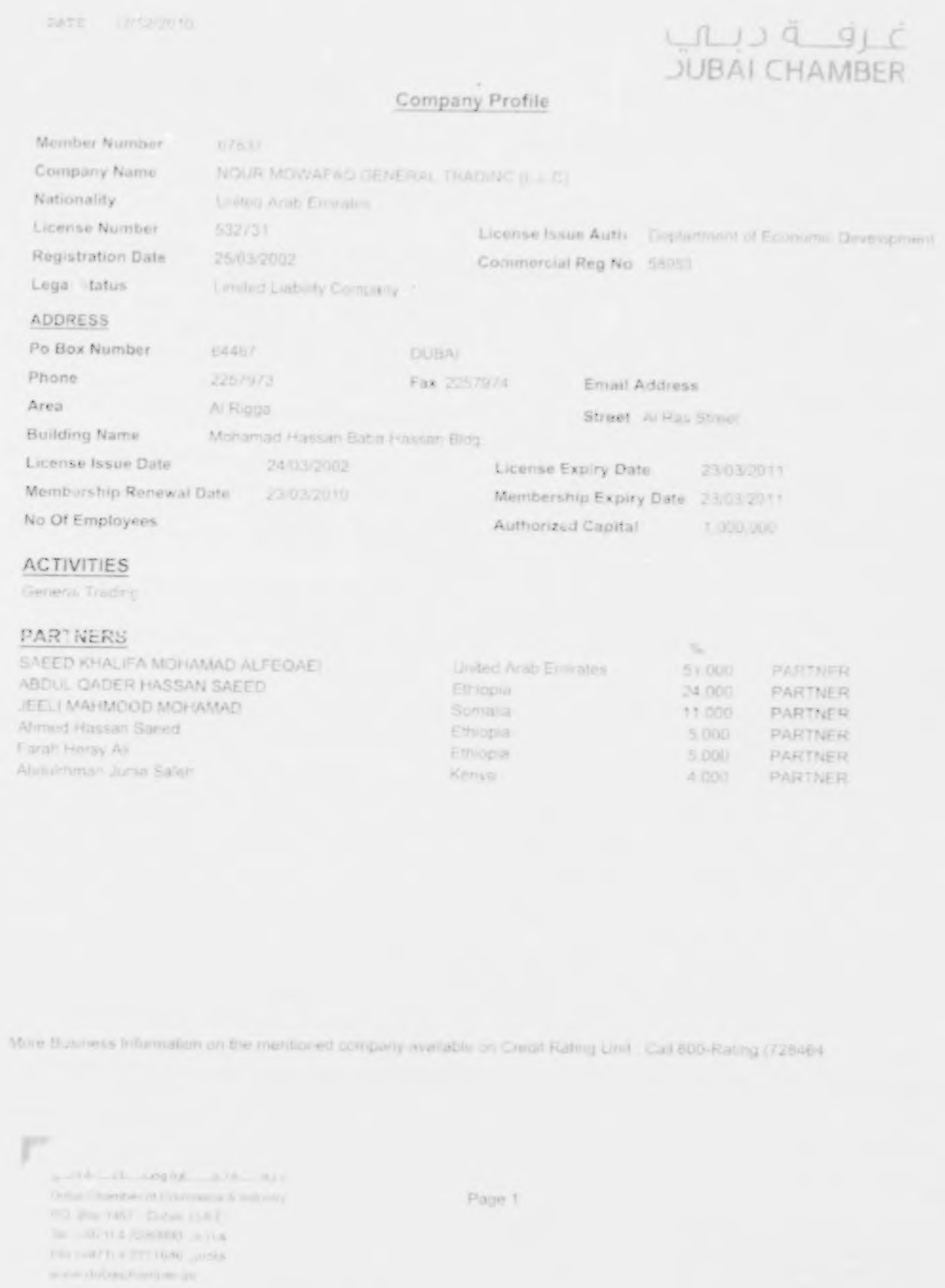
01	Shipper	Consignee	Marks	Description	Weight
	BAUN TRADING COMPANY AbJalil FARAL +252615800091	MUBASASHI OMAR MOHAMED ALE ASHHRANI ATIJARI +966504689313		CHARCOAL BAGS	128960 BAGS of charcoal

Remarks

Operation Dept

Annex 3.1.c.: Cheque from Al Baoon General Trading

Annex 3.1.d.: Company profile Nour Mowafaq General Trading 2011



DATE 12/12/2010

غرفة دبي
DUBAI CHAMBER

Company Profile

Member Number 67637
Company Name NOUR MOWAFAQ GENERAL TRADING (L.L.C)
Nationality United Arab Emirates
License Number 532731
License Issue Auth Department of Economic Development
Registration Date 25/03/2002
Commercial Reg No 58053
Legal Status Limited Liability Company

ADDRESS

Po Box Number 64467
DUBAI
Phone 2257973
Fax 2257974
Email Address
Area Al Rigga
Street Al Ras Street
Building Name Mohamad Hassan Baba Hassan Bldg
License Issue Date 24/03/2002
License Expiry Date 23/03/2011
Membership Renewal Date 23/03/2010
Membership Expiry Date 23/03/2011
No Of Employees
Authorized Capital 1,000,000

ACTIVITIES

General Trading

PARTNERS

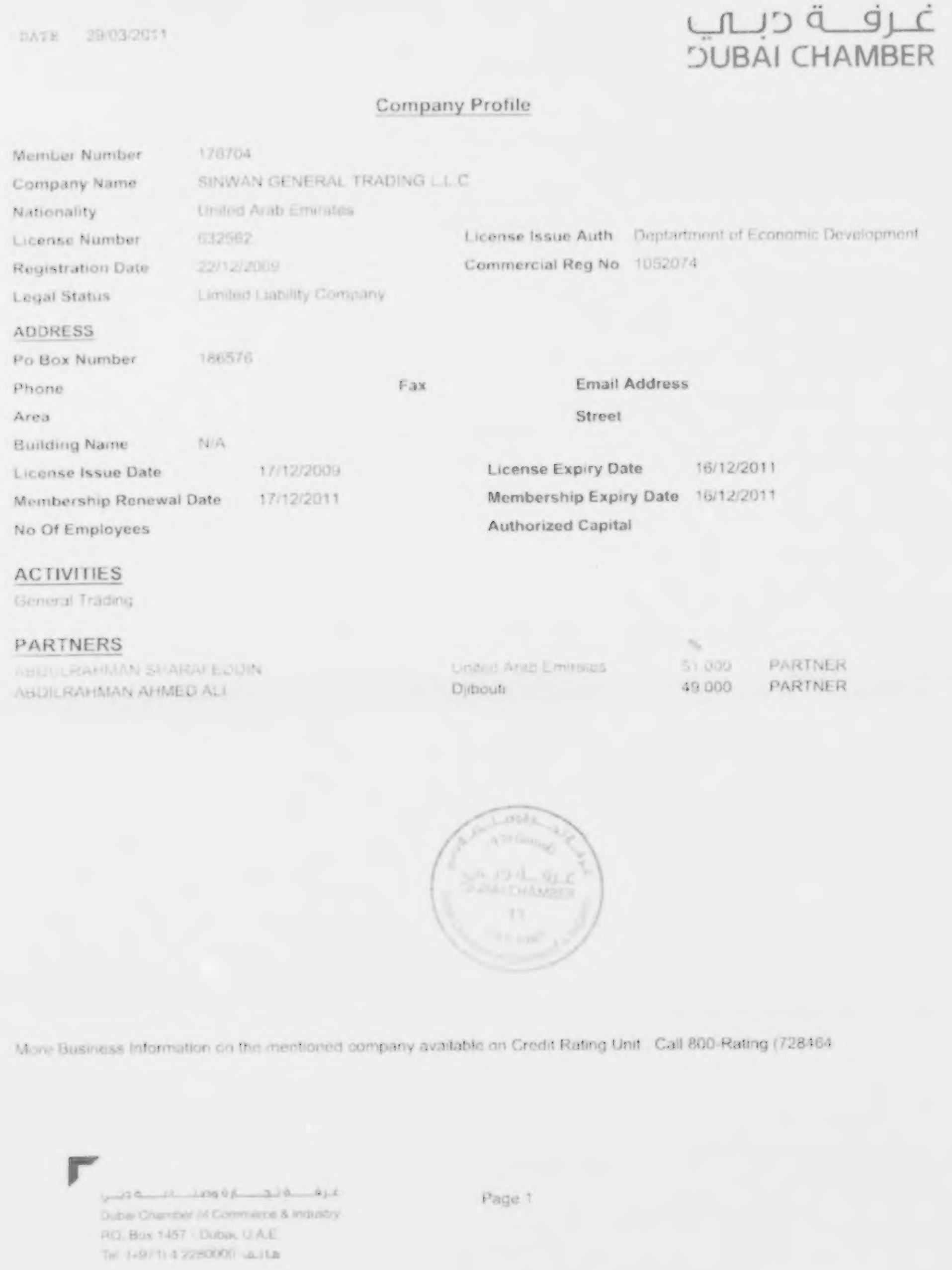
		%	
SAEED KHALIFA MOHAMAD ALFEQAEI	United Arab Emirates	51.000	PARTNER
ABDUL QADER HASSAN SAEED	Ethiopia	24.000	PARTNER
JEELI MAHMOOD MOHAMAD	Somalia	11.000	PARTNER
Ahmed Hassan Saeed	Ethiopia	5.000	PARTNER
Farah Hersy Ali	Ethiopia	5.000	PARTNER
Abdulrhman Juma Safer	Kenya	4.000	PARTNER

More Business Information on the mentioned company available on Credit Rating Unit . Call 800-Rating (728464

[illegible]
Dubai Chamber of Commerce & Industry
P.O. Box 1457 - Dubai U.A.E
Tel [illegible]
Fax [illegible]
www.dubaichamber.ae

Page 1

Annex 3.1.e.:
Company profile Sinwan General Trading 2011 & Sinwan-Adaani separation letter



DATE 29/03/2011

غرفة دبي
DUBAI CHAMBER

Company Profile

Member Number 178704
Company Name SINWAN GENERAL TRADING L.L.C
Nationality United Arab Emirates
License Number 632582 License Issue Auth Deptartment of Economic Development
Registration Date 22/12/2009 Commercial Reg No 1052074
Legal Status Limited Liability Company

ADDRESS

Po Box Number 186576
Phone Fax Email Address
Area Street
Building Name N/A
License Issue Date 17/12/2009 License Expiry Date 16/12/2011
Membership Renewal Date 17/12/2011 Membership Expiry Date 16/12/2011
No Of Employees Authorized Capital

ACTIVITIES

General Trading

PARTNERS

		%	
ABDULRAHMAN SHARAFEDDIN	United Arab Emirates	51.000	PARTNER
ABDILRAHMAN AHMED ALI	Djibouti	49.000	PARTNER

More Business Information on the mentioned company available on Credit Rating Unit Call 800-Rating (728464

غرفة تجارة وصناعة دبي
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Tel (+971) 4 2280000 هاتف

Page 1

SHARE SALE DEED & AMENDMENT ON MEMORANDUM OF ASSOCIATION OF A

SINWAN GENERAL TRADING L.L.C

It is on / 03 /2011 this agreement is made between:

1- **MISS. SAFYA JUMA KHALFAN MOHD BIN SUHAIL**, U.A.E National, holder of Passport No. **A1558717**, Residing in Dubai, U.A.E. (Represented in signing by **MR. MOHAMED ABDULLAH ABDULLAH** vide a power of attorney)
(Hereinafter called the **"First Party"**)

2- **MR. ABDILRAHMAN AHMED ALI**, Djibouti National, holder of Passport No: **RD93480**, Residing in Dubai,U.A.E.
(Hereinafter called the **"Second Party"**)

3- **MR. ABDULKADIR ABUKAR OMAR**, Kenyan National, holder of Passport No **B140846**, Residing in Dubai, U.A.E.
(Hereinafter called the **"Third Party"**)

4- **M/S ALWAHA STAR FACILITIES MANAGEMENT (LLC)** Issued a Trade License under No. **(582936)**. (Represented in signing by **MR. MOHAMED ABDULLAH ABDULLAH** vide a power of attorney)
(Hereinafter called the **"Fourth Party"**)

PREAMBLE

Whereas, The First, second & third parties were signed a memorandum of association which was authenticated by the notary public of Dubai courts on **16/11/2009** serial No :**(122041/1/2009)** in the trade name **SINWAN GENERAL TRADING (LLC)** for which a trade license issued from the department of economic development. (It would be referred hereafter the company)

الكاتب العدل
Notary Public

عقد بيع حصص وملحق بتعديل عقد التاسيس

سينوان للتجارة العامة

(شركة ذات مسئولية محدودة)

انه في يوم الموافق / ٠٣ /٢٠١١م، تم الاتفاق
بين كل من–

١- الانسة / **صافية جمعة خلفان محمد بن سهيل المهيري** ، اماراتية الجنسية وتحمل جواز سفر رقم **A1558717** ، مقيمة في دبي ، الامارات (ويمثله هنا في التوقيع السيد/ **محمد عبدالله عبدالله** بموجب الوكالة المصدقه)
(ويشار اليه فيما بعد – **"الطرف الاول"**)

٢- السيد/ **عبد الرحمن احمد علي** ، جيبوتي الجنسية ويحمل جواز سفر رقم **RD93480** ، مقيم في دبي ، الامارات
(ويشار اليه فيما بعد – **"الطرف الثاني"**)

٣- السيد/ **عبد القادر ابوكار عمر**، كيني الجنسية ويحمل جواز سفر رقم **B140846** ، مقيم في دبي،الامارات
(ويشار اليه فيما بعد – **"الطرف الثالث"**)

٤- السادة / **نجم الواحة لخدمات ادارة المنشات (ش.ذ.م.م)** المرخصة من دائرة التنمية الاقتصادية بدبي برقم ٥٨٢٩٣٦ (ويمثله هنا في التوقيع السيد/ **محمد عبد الله عبد الله** بموجب الوكالة المصدقة)
(ويشار اليها فيما بعد – **"الطرف الرابع"**)

تمهيد

سبق سبق للاطراف من الاول والثاني والثالث اعلاه ان وقعوا عقد تاسيس شركة ذات مسئولية محدودة للاسم التجاري **سينوان للتجارة العامة (ش.ذ.م.م)** وثق لدى الكاتب العدل بدبي في ٢٠٠٩/١١/١٦ تحت رقم محرر (٢٠٠٩/١/١٢٢٠٤١) التي صدر لها الرخصة التجارية من دائرة التنمية الاقتصادية بذات الاسم التجاري ويشار اليه هنا وفيما بعد بكلمة الشركة
(ويشار اليها هنا فيما بعد بالشركة)

And now the 1st party wish to sell their full portion totally 51% shares in the capital of the company respectively to the 4th party accepting the sale. As well as the 3rd party wish to sell their full portion of 24% shares in the capital of the company respectively to the 2nd party accepting the sale

Whereas all the parties are hereby desirous & agreed to amend some articles of the original memorandum.

So they agreed upon the under mentioned terms and conditions:

First: The preamble is an integral part of this amendment agreement

Second: Sale & Transfer

A) The 1st party sold and transferred full portion of shares totally (51%) of the capital of the company to the 4th party against an amount of DH 510,000/. As well as the 3rd party sold and transferred full portion of shares (24%) of the capital of the company to the 2nd party against an amount of DH 240,000/

b) The represent of the 1st party & the 3rd party himself hereby declares that they received the value of the above mentioned soled shares and their signatures in this agreement will be considered confirmation of acceptance without any other receipt voucher therefore

c) The 4th party has right to occupy the place of purchased shares from the 1st party and the 2nd party has right to occupy the place of purchased shares from the 3rd party respectively with full liabilities & rights in the company

THIRD: Amendment to the MOA:

1-Amendment of the Preamble:

The preamble of the main memorandum has been amended adding the name of the 4th party and deleting the name of the 1st & 3rd parties from the main agreement of the association & any other places where the name of partners being mentioned

الكاتب العدل
Notary Public

حيث ان الطرف الاول يرغب في بيع [illegible] حصصه في الشركة تبلغ (٥١%) وذلك الى الطرف الرابع القابل لذلك

كما ان الطرف الثالث يرغب في بيع كامل حصصه في الشركة تبلغ (٢٤%) وذلك الى الطرف الثاني القابل لذلك

وحيث ان الأطراف يرغبون في تعديل بعض مواد عقد التاسيس.

لذا اتفقوا على الأحكام والشروط الاتيه.

اولا : يعتبر التمهيد جزء لا يتجزء من هذا الملحق.

ثانيا : التنازل

الف – باع واسقط وتنازل الطرف الاول كامل حصصه في الشركة والبالغة (٥١%) من راس المال' وذلك الى الطرف الرابع القابل لذلك مقابل مبلغ وقدره (٥١٠٠٠٠) درهم . كما باع واسقط وتنازل الطرف الثالث كامل حصصه في الشركة (٢٤%) من راس المال' وذلك الى الطرف الثاني القابل لذلك مقابل مبلغ وقدره (٢٤٠٠٠٠) درهم

ب- ويقر ممثل الطرف الاول والطرف الثالث بنفسه بانهما قبضا قيمة الحصص المباعه كاملا' ويعتبر توقيعهما على هذا العقد بمثابة اقرار منه بالقبض وعوضا عن اي ايصال اخر

ج- يحل الطرف الرابع محل الطرف الاول والطرف الثاني محل الطرف الثالث في نصيبهما في راس المال بالقدر الذي الت اليهما وفي جميع حقوقه والتزاماته في الشركة.

ثالثا : تعديل عقد التاسيس

ا- تعديل الديباجية

تعدل ديباجة عقد التاسيس باضافة اسم الطرف الرابع وحذف اسم الطرف الاول والثالث في عقد التاسيس وفي اى مكان اخر ورد اسماء الشركاء بالعقد.

2-Amendment of the Article No: (6) the capital of the company:

Distribution of the capital of the company mentioned in the paragraph no. (6-1) in the Article No: 6 of the main memorandum and the proportion of the shares in the company will be as under:

Name of Partner	No of shares	Value in dirham	Per in capital
Fourth Party	510	510,000	51%
Second party	490	490,000	49%

3-Amendment of Article No: (13) Distribution of net Profit:

Distribution of profits & losses mentioned in the paragraph no. (13-2) in the Article No. 13 of the main agreement of association wherein the profits and loss shall be distributed among the parties as under:

Fourth party	20%
Second party	80%

FOURTH: other rules

The partners agreed to add the main agreement to read as under:

The fourth party or her power of attorney is authorized - in case of the absence second party from U.A.E for the period of six months or more and also in case the second party did not renew the trade license of the company within the 2 months after expiry date- to deal the company in the name of second party and on his behalf in all aspects, to cancel the shares, change the ownership, sign the agreements, and amendments, attest these agreements, to delete the name of the second party from the trade license, commercial register and to cancel the partnership, to do the settlement of the company, to appoint legal officials for the settlement and to do necessary procedures. The fourth party is also authorized to receive the security amount which is deposited to the immigration dept. Dubai, in the name of the company by the second party, in the name of second party and on his behalf. The fourth party has the right to proceed with documents, to receive, to take out intended specimens from the concern office in this regard, to sign and to pay required fees.

الكاتب العدل
Notary Public

٢- تعديل المادة (٦) راس مال الشركة

يعاد توزيع راس مال الشركة الوارد في الفقرة (٦-١) من المادة السادسة في عقد التأسيس بين الأطراف حسب نصيبه في راس مال الشركة وذلك على النحو التالي

النسبة راس المال	القيمة بالدرهم	عدد الحصص	اسم الشركة
٥١%	٥١٠٠٠٠	٥١٠	**الطرف الرابع**
٤٩%	٤٩٠٠٠٠	٤٩٠	**الطرف الثاني**

٣- تعديل المادة (١٣) توزيع الارباح والخسائر

الفقـ يعاد توزيع الارباح والخسائر الواردة في الفقرة (١٣-١) من المادة (١٣) في عقد التأسيس حيث يتم توزيع الارباح والخسائر بين الشركاء بالنسبة التالية

٢٠%	الطرف الرابع
٨٠%	الطرف الثاني

رابعا: احكام متفرقة

تم الاتفاق على اضافة في عقد التأسيس لتقرأ على النحو التالي

الطرف الرابع او لمن ينوب عنه حق - في حالة غياب الطرف الثاني عن الدولة لمدة ستة اشهر واكثر او عدم تجديد الرخصة التجارية للشركة الى مدة شهرين من تاريخ الانتهاء- ان يقوم مقام الطرف الثاني وينوب عنه بالتصرف المطلق في الشركة بكافة اوجه التصرفات والبيع وغير ذلك من الاشكال القانونية ونقل ملكيتها وتوقيع العقود والملاحق وتوثيقها والانسحاب وادخال الشركاء والقيام باجراءات حذف اسم الطرف الثاني من الرخصة التجارية والسجل التجاري وشهادات القيد وفسخ الشراكة وحل تصفية الشركة وتعيين المصفي القانوني وعمل ما يلزم في هذا الخصوص

والاستلام مبلغ التامين الخاص بالشركة والمودع لدى ادارة الجنسية والاقامة بدبي من قبل الطرف الثاني ، وذلك باسم الطرف الثاني ونيابة عنه

ولتقديم المعاملات واستلامها وسحب النماذج المعدة لهذا الغرض وتوقيعها وسداد الرسوم المقررة

The fourth party has the right to represent and sign on behalf of the second party in front of all authorities, govt / non govt departments, including economics dept , ministry of labor, municipality commercial registration office, chamber of commerce, banks, etisalat, dewa notary public, in front of all personalities and other concern authorities in this regard. The fourth party is also authorized to sign in all necessary documents and agreements in front of the related authorities in this regard and to proceed with all the required procedures accordingly in the name of the second party and on his behalf. The fourth party has the right to appoint anybody to do all or some of these powers.

FIFTH: The other terms and conditions of the main memorandum of association shall remain the same without any alteration & will be continued in affect which shall not violate the conditions of this amendment agreement.

SIXTH: This amendment agreement shall be considered as an integral part of the main memorandum of association & will be read & described with the same.

SEVENTH: COPIES

This agreement has been made in (6) Similar copies, each parties shall have a copy and 5th copy will be retained by the Notary Public after authentication and rest 6th copy for necessary legal processing.

This Agreement is read out before the parties and they understood the terms & conditions and accepting the contains have signed hereunder.

وان يمثل عن الطرف الثاني والتوقيع نيابة عنه امام جميع مطالبات والدوائر الرسميه وغير الرسمية ذات العلاقة بما فيها دائرة التنمية الاقتصادية ووزارة العمل والشؤون الاجتماعية والبلدية والسجل التجاري وغرفة التجارة والصناعة والبنوك والاتصالات وهيئة المياه والكهرباء والكاتب العدل والاشخاص الطبيعيين والاعتباريين واية جهة اخرى ذات علاقة،

وكذلك بالتوقيع نيابة عنه على اية أوراق او مستندات او عقود متعلقة بالعمل الموكل به امام المراجع المختصة، وله حق توكيل الغير في كل او بعضه

خامسا:

تبقى باقي احكام ومواد عقد التاسيس الاخرى كما هو دون تعديل وتسري الى المدى الذي لا يخالف احكام هذا الملحق

سادسا :

يعتبر هذا العقد والملحق جزء لا يتجزء من عقد التاسيس ومكملا له ويقرا ويفسر معه .

سابعا :

حرر هذا العقد من (٦) نسخ متطابقة لها ذات القوة في الاثبات يحتفظ كل طرف بنسخة وتودع الخامسة لدى الكاتب العدل لغايات التوثيق والسادسة للاجراءات الرسمية

تلي هذا العقد والملحق على اطرافه وتفهموا احكامه وقبلوها وعليه وقعوا

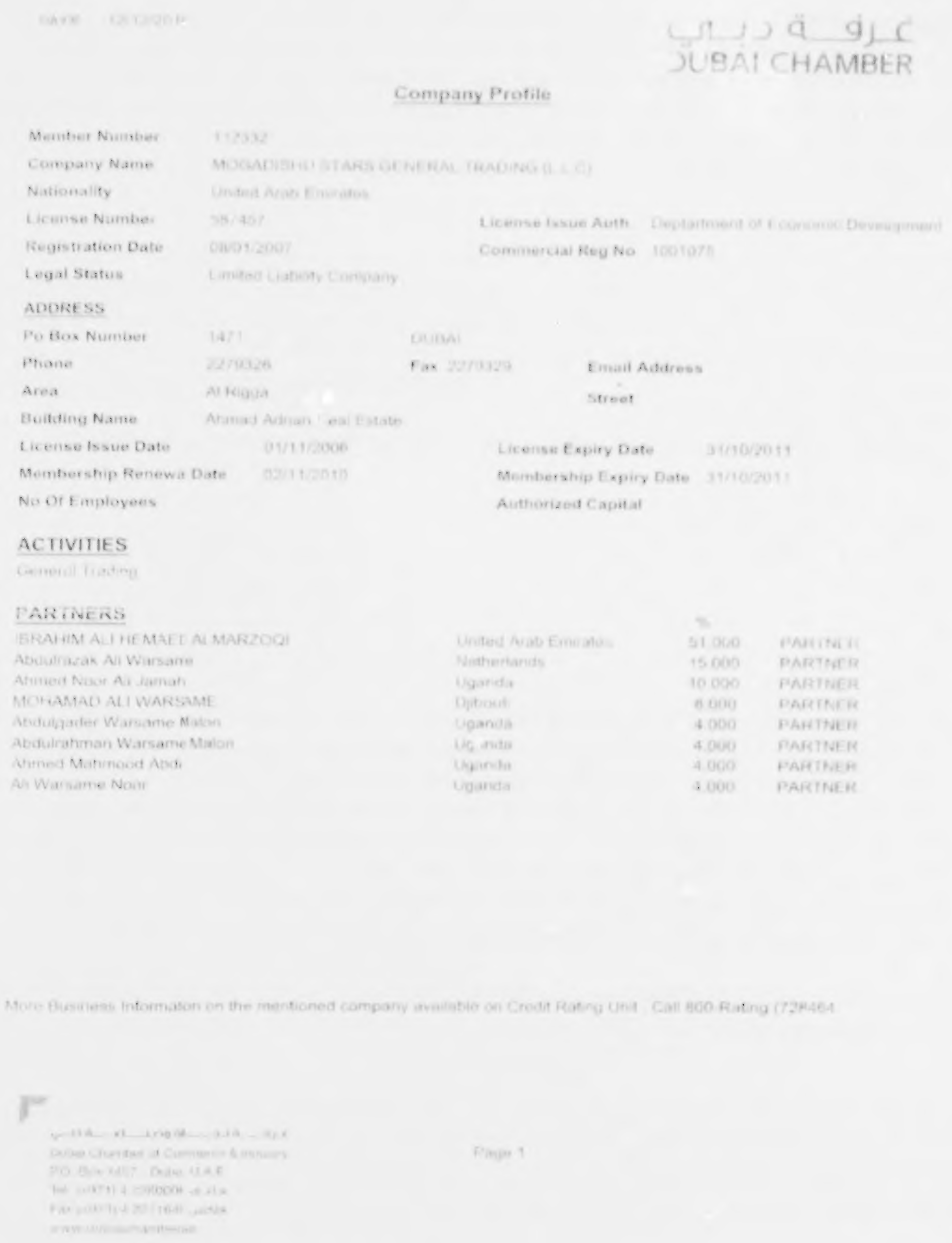
Signature of the First party .... : الطرف الاول

Signature of the Second party .... : الطرف الثاني

Signature of the Third party .... : الطرف الثالث

Signature of the Fourth party .... : الطرف الرابع

Annex 3.1.f.: Company profile Mogadishu Stars General Trading 2011



DATE [illegible]

غرفة دبي
DUBAI CHAMBER

Company Profile

Member Number 112532
Company Name MOGADISHU STARS GENERAL TRADING (L.L.C)
Nationality United Arab Emirates
License Number 58/457 **License Issue Auth** Department of Economic Development
Registration Date 08/01/2007 **Commercial Reg No** 1001078
Legal Status Limited Liability Company

ADDRESS

Po Box Number 1471 DUBAI
Phone 2279326 **Fax** 2279329 **Email Address**
Area Al Rigga **Street**
Building Name Ahmad Adnan Real Estate
License Issue Date 01/11/2006 **License Expiry Date** 31/10/2011
Membership Renewa Date 02/11/2010 **Membership Expiry Date** 31/10/2011
No Of Employees **Authorized Capital**

ACTIVITIES

General Trading

PARTNERS

		%	
IBRAHIM ALI HEMAEE AL MARZOQI	United Arab Emirates	51.000	PARTNER
Abdulrazak Ali Warsame	Netherlands	15.000	PARTNER
Ahmed Noor Ali Jamah	Uganda	10.000	PARTNER
MOHAMAD ALI WARSAME	Djibouti	8.000	PARTNER
Abdulqader Warsame Malon	Uganda	4.000	PARTNER
Abdulrahman Warsame Malon	Uganda	4.000	PARTNER
Ahmed Mahmood Abdi	Uganda	4.000	PARTNER
Ali Warsame Noor	Uganda	4.000	PARTNER

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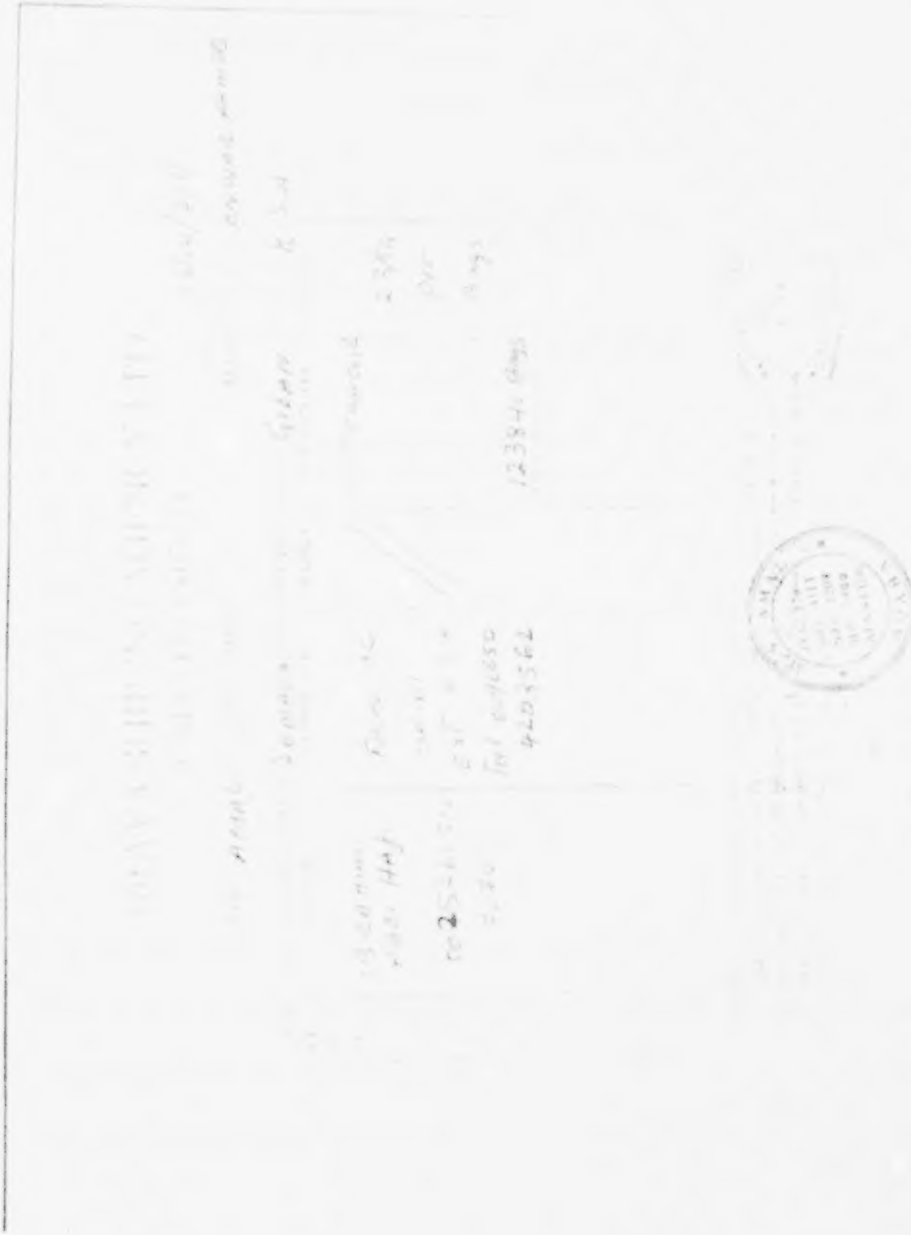
Tel: (+971) 4 2280000 هاتف
Fax: (+971) 4 2211646 فاكس
www.dubaichamber.ae

Page 1

Annex 3.1.g.: MV *Amal* bill of lading Brava-Jizan, 3 April 2010[48]



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[48] Brava is also spelt 'Baraawe' in the Somali language.

Annex 3.2.: Case study: Al-Shabaab taxation at ports

1. Charcoal traders with privileged relationships with Shabaab are not directly taxed at export, although producers and transporters of charcoal are taxed up until the point of export and smaller traders with no direct business relationship with Al-Shabaab are also taxed at export locations. Similarly, taxes on imports of sugar are not levied on businessmen who enjoy direct privileged relationship with Al-Shabaab, including those businessmen who are part of the sugar-for-charcoal trading cycle, but are levied on smaller opportunistic traders taking. While Al-Shabaab does not directly control this trade, it nevertheless welcomes it as it generates additional revenues for the armed group.

2. Local charcoal producers pay a "production tax" of 2.5%, in return for which they receive production 'certificates'. The charcoal is transported to port on trucks, whose owners are also required to pay a tax of 2.5% of the estimated value to Al-Shabaab. In addition, if stopped at a checkpoint, truck owners pay a checkpoint fee per truck (Annex 3.2.a and 3.2.b). Failure to pay taxes can lead to seizure of the consignment and/or imprisonment.[1]

3. The six main ports for charcoal export in southern Somalia are all controlled by Al-Shabaab:

- Kismaayo
- Baraawe
- Marka
- Buur Gaabo
- Eel Ma'an
- Qudha

4. The major export points for charcoal are from Kismaayo in Lower Jubba and Baraawe in Lower Shabelle.[2] From Kismaayo, high-grade charcoal is exported on large vessels, and from Baraawe, low-grade charcoal is exported via barges for transfer into larger vessels anchored offshore. The port of Kismaayo can accommodate vessels up to 180 meters in length with a maximum draft of about 8 meters. It has 2 berths measuring 340 meters and 280 meters respectively and 2 roll-on roll-off (Ro-Ro) ramps. A Kismaayo resident, who declined to be named, told a UN media office that three to four vessels loaded with charcoal left the port every week.[3] Baraawe has no infrastructure or facilities and accommodates only small boats or barges to transport charcoal to large vessels anchored offshore.

5. In April 2011, the Group learned that Kismaayo port authorities fixed the charcoal export tax to $1.20 per sack up from $0.90 per sack in February 2011 and $0.50 per sack in December 2010.[4]

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[1] As reported by Radio Mogadishu on 24 September 2010 "eight business people involved in the export of charcoal have been arrested by al-Shabaab in the region of Lower Jubba. This after the business people allegedly refused to pay levies to the al-Shabaab administration in the region." Interview conducted in Nairobi on 27 April 2011 with a Kismaayo resident and charcoal trader.

[2] The Monitoring Group learned that Abdulkadir Ali Issa, a Hawiya/Habar Gidir/Suleiman is a leading charcoal producer in Baraawe. He allegedly owns between 16 and 18 charcoal factories and more than 60 trucks. He produces between 5,000 and 8,000 sacks of charcoal per day and employs more than 200 workers.

[3] IRIN, "SOMALIA: Charcoal trade booming despite ban". 20 January 2011, accessed online on 13 April 2011, http://www.irinnews.org/Report.aspx?ReportId=91679.

[4] Interviews conducted in the UAE with charcoal traders between November 2010 and March 2011.

Baraawe port authorities fixed the charcoal export tax to $0.60 per sack in April 2011 up from $0.50 per sack in February 2011.[5]

6. Larger motor vessels can export between 75,000 and 250,000 sacks of charcoal. Thus, in addition to docking fees, each vessel generates US$90,000-$300,000 in Kismaayo or US$45,000-US$150,000 off Baraawe. Smaller vessels, such as dhows, can carry between 15,000 and 55,000 sacks of charcoal. Thus, each dhow generates US$18,000-US$66,000 in Kismaayo, or US$9,000-US$33,000 in Baraawe.[6]

7. The owners of barges that carry the charcoal from Baraawe to offshore vessels pay a tax of 2.5% of the estimated value of their cargo. While smaller boats are charged $0.5 per sack of charcoal. Porters employed for loading and discharging charcoals must also pay 2.5% of their salaries to Al-Shabaab.

Table: Tax figures for charcoal production in Al-Shabaab controlled areas in April 2011

Producers	Workers	Transporters	Buyers	Small Boat/ Transporters	Port workers	Dhows/ Vessels	Exporter
2.5% of business	2.5% of income	2.5% of business + checkpoint per truck	2.5% of business	2.5% of business	2.5% of income	Docking fees	Export tax per sacks of charcoal

8. The charcoal trade is affected by seasonal factors. Charcoal is more expensive during the rainy season, and freight costs are more expensive during the monsoon season.[7] Thus, depending on the season, the C&F (custom and freight) price of charcoal in the UAE or Saudi varies approximately between $5 and $7 per sack. A sack of Somali charcoal sells approximately between $8 and $11 in the UAE and Saudi Arabia.[8] These variations are reflected in the taxation table below.

Table: Charcoal Export Tax in Kismaayo and Baraawe in April 2011 (prices are approximated per sack)

List of Exported Goods	Market Price in Somalia	Shipping Cost		AS Tax	Small Boat Charge	Lever Charge	Other Expenses	Total Cost C&F GCC		Market Price in UAE in AED		Market Price in UAE in USD	
		Low Season (Oct. to Apr.)	High Season (May to Sep.)					Low Season (Oct. to Apr.)	High Season (May to Sep.)	Low Season (Oct. to Apr.)	High Season (May to Sep.)	Low Season (Oct. to Apr.)	High Season (May to Sep.)
Kismaayo Charcoal (sack 23-25Kg)	$3 - $3.5	$1.50	$2.50	$1.20		$0.20	$0.50	$6.10	$7.10	AED28-32	AED34-35	Approx. $7.8-8.9	Approx. $9.45-9.72
Barawe Charcoal (sack 23-25Kg)	$2 - $2.5	$1.50	$2.50	$0.60	$0.50	$0.40	$0.10	$5.00	$6.00	AED29-34	AED35-37	Approx. $8.05-9.45	Approx. $9.72-10.38

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[5] Interviews conducted in the UAE with charcoal traders between November 2010 and March 2011.

[6] Interviews conducted in the UAE with Somali charcoal traders and transporters between November 2010 and March 2011, as well as observation in the creek in Dubai and Sharjah.

[7] Interviews conducted in the UAE with freighters between November 2010 and March 2011.

[8] Interviews conducted in the UAE with charcoal traders between November 2010 and March 2011.

9. Some privileged companies are permitted to export charcoal tax free, using green colored sacks reserved exclusively for Al-Shabaab-approved enterprises. These sacks are not available for purchase on the local market, and are usually sourced in Dubai, the UAE.[9]

Picture: Bundle of Green Charcoal Sacks destined to Kismaayo (picture taken on Dubai Creek on 31 March 2011)

10. With regards to sugar and other commodities, large vessels docking in Kismaayo pay a docking fee, and the porters who offload sugar cargoes also contribute 2.5% of their earnings to Al-Shabaab.

11. Al-Shabaab's revenues don't end at the port. Once cleared, sugar is delivered to local warehouses, and then onwards to border areas and smuggled to Kenya or Ethiopia. Local sugar buyers and transporters must pay 2.5% of the estimated value of their commerce to the local Al-Shabaab authorities and, if stopped at an Al-Shabaab checkpoint, transporters must pay an additional 'checkpoint fee' per truck.[10]

Table: Sugar Import Tax in Kismaayo in April 2011 (prices are approximated in USD)

Kismaayo: List of Imported Goods	Market Price in April 2011	Shipping Cost		Custom Fees	Handling Charges	Truck Transport + Offloading (not included if product sold on the port)	Total Cost from port to Warehouse (exc. Shipping)	Total ShippingCosts and Custom Fees		Transport to Liboi/Garissa etc..	Wholesale Costs in Garissa in April 2011	
		Low Season (Oct. to Apr.)	High Season (May to Sep.)					Low Season (Oct. to Apr.)	High Season (May to Sep.)		Purchase Price	Sell Price
Rice/Sugar/weatflower (sack of 50Kg)	$33-$40	$2-$2.5	$3-$5	$1.00	$0.25	$0.35	$1.60	$3.6-$4.1	$4.6-$6.6	$6.00	$45.00	$53-$55
Rice/Sugar/weatflower Metric Ton	$660-$800	$40-$50	$60-$100	$20.00	$5.00	$7.00	$32.00	$72-$82	$92-$132	$120.00	$900.06	$1060-$1100

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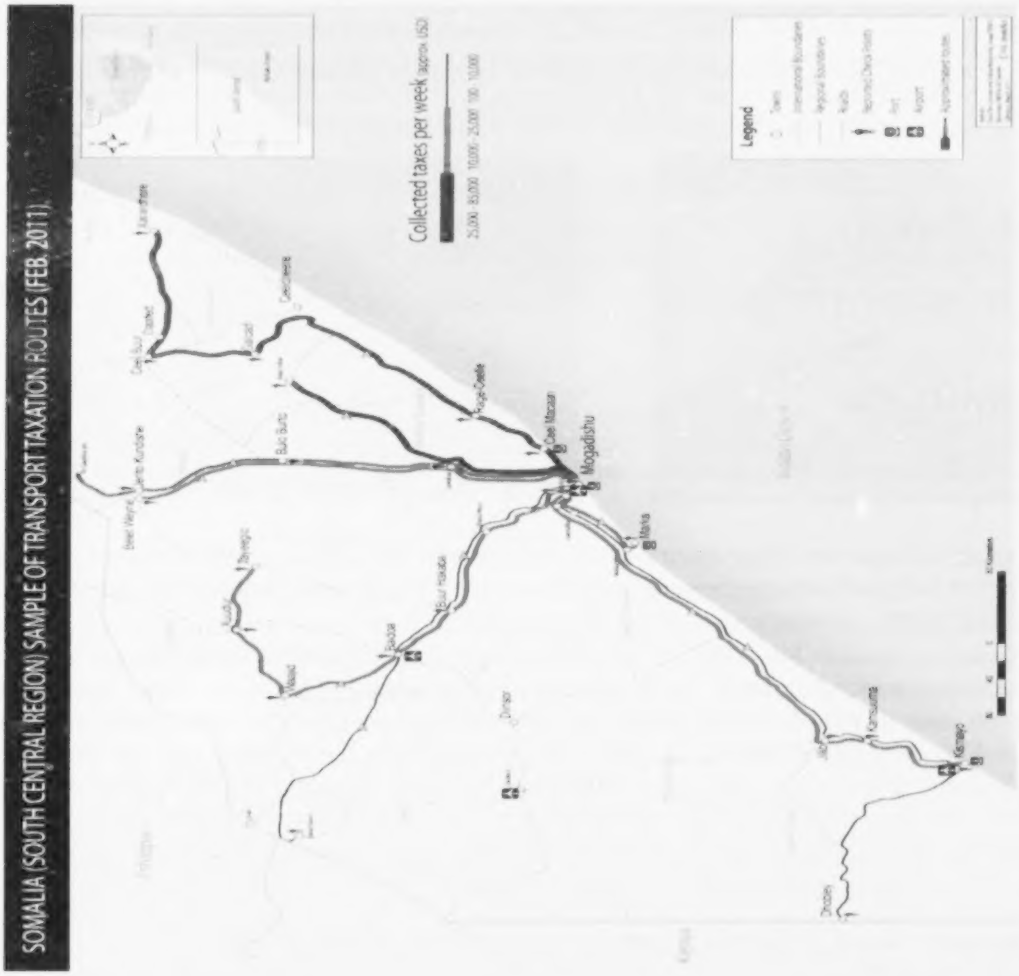
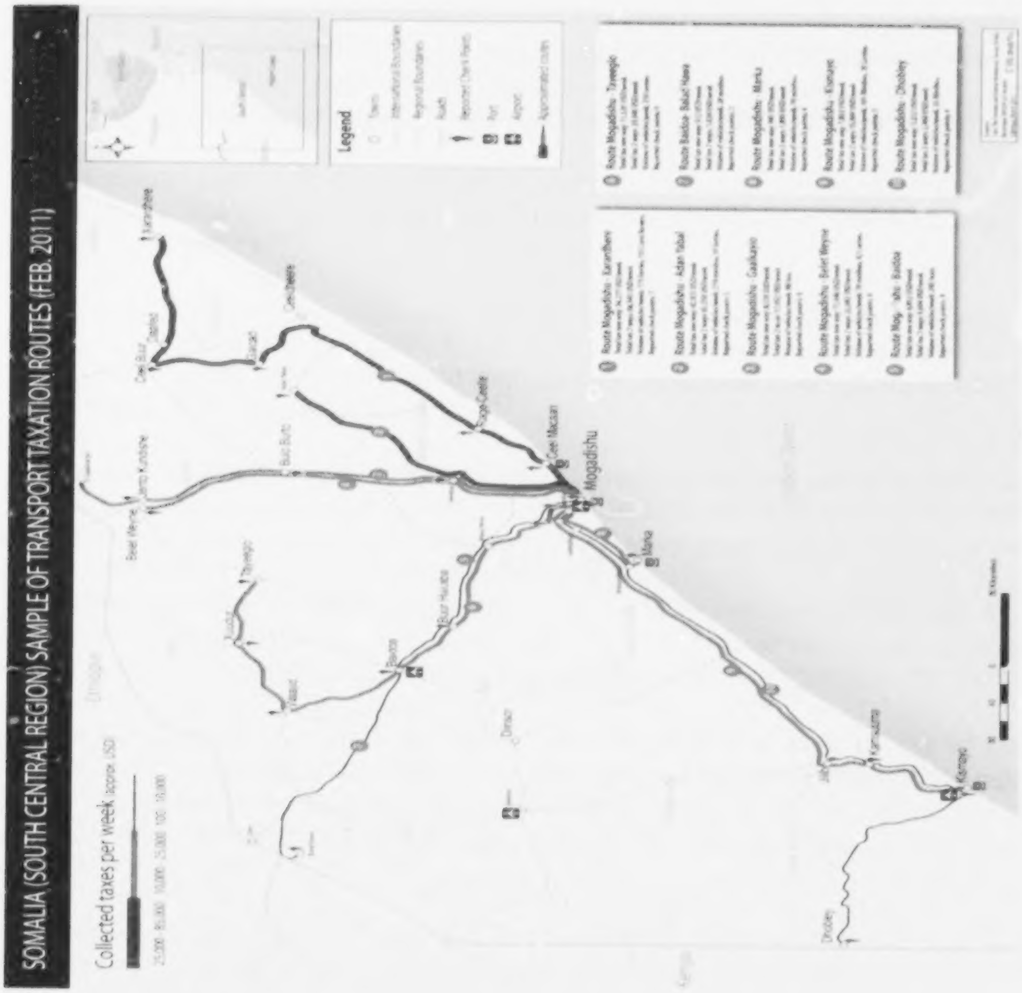
[9] Interview conducted in Nairobi on 27 April 2011 with a Kismaayo resident and charcoal trader. Also on 31 March 2011, the Monitoring Group observed bundles of empty green sacks of charcoal being loaded on MSV Al Arif MNV 2091 and exported to Kismaayo.

[10] Interview conducted in Dubai with a commodity trader on 4 April 2011.

Annex 3.2.a.: Taxation routes (with call outs)


SOMALIA (SOUTH CENTRAL REGION) SAMPLE OF TRANSPORT TAXATION ROUTES (FEB. 2011).
Collected taxes per week (approx USD)
25,000 - 85,000
10,000 - 25,000
100 - 10,000
Legend
Town
International Boundaries
Regional Boundaries
Roads
Reported Check Points
Port
Airport
Approx. Taxed routes
Galkacyo
Dusmareb
Ceel Buur
Galcad
Ceel Dheere
Buulo Burto
Jalalaqsi
Beled Weyne
Harardhere
Adale
Cadale
Ceel Macaan
Mogadishu
Marka
Baidoa
Buur Hakaba
Wajid
Xuddur
Tieyeglo
Dinsor
Jilib
Kamsuuma
Kismayo
Dhobley
Kenya
Ethiopia
Indian Ocean

Annex 3.2.b.: Taxation routes (without call outs)


SOMALIA (SOUTH CENTRAL REGION) SAMPLE OF TRANSPORT TAXATION ROUTES (FEB. 2011)
Collected taxes per week (approx USD)
Legend
Mogadishu
Marka
Kismayo
Baidoa
Beled Weyne
Buulo Burto
Gel Macaan
Dhobley
Route Mogadishu - Karamheere
Route Mogadishu - Adan Yabal
Route Mogadishu - Gaalkacyo
Route Mogadishu - Beled Weyne
Route Mogadishu - Baidoa
Route Mogadishu - Taxeeglo
Route Baidoa - Beled Hawa
Route Mogadishu - Marka
Route Mogadishu - Kismayo
Route Mogadishu - Dhobley

Annex 4

Piracy

Annex 4.1.: Pirate Tactics, Techniques and Procedures

Annex 4.1.a.: Pirate attack on the MV *Almezaan*

1. On 23 March 2010 at 0800 UTC[1], the Panama-flagged and UAE-based general cargo vessel MV Almezaan (IMO 7906710)[2] came under pirate attack while en route to Mogadishu, reportedly at position 0348N.04808E, an estimated 33NM off the coast of Somalia. The vessel issued a distress call.

2. Eight minutes later, at 0808UTC, UKMTO[3] confirmed the attack and monitored a radio call from the vessel saying that the 'security team has returned fire' and that the pirates are approaching the vessel for a second attack.[4].

3. Half an hour later, the MV Almezaan reported its current position to be 0345N.04807E, roughly 3NM away from its previous position. It also stated that the vessel had been attacked by 3 skiffs carrying pirates armed with AK47's and that the MV Almezaan's 'on board security' had fired parachute flares. No casualties were reported.[5]

4. Spanish EUNAVFOR frigate ESPS NAVARRA, patrolling not far from the incident, immediately responded to the distress call from the vessel. At 0916 UTC the helicopter of the ESPS Navarra detected a pirate whaler and two skiffs heading towards the Somali coast at position 0354N.04758E, being 11.75NM (course 301°) from the initial reported position of the MV Almezaan. The helicopter forced the pirates to stop by firing warning shots, using a 12.7mm heavy machine gun. At 1003 UTC the Spanish Navy vessel deployed a boarding team onto the skiffs and the whaler. At about the same time, two other skiffs were detected in the vicinity and stopped as well.

5. Upon boarding the two skiffs, the Spanish team found a dead body on one of them, with a gunshot wound to the thorax. The boarding team also observed numerous, small calibre bullet holes in the skiff. The bottom of the skiff was found to be full of water, mixed with blood, and contained a large quantity of ammunition and cartridges. Among the weapons were 3 RPG grenades and 3 launchers.

6. At 1300 UTC[6] the boarding team then boarded the two other skiffs, which had been stopped nearby. As both skiffs contained lots of fishing equipment and none of the usual evidence of piracy activity, they were determined to be genuine fishing boats and fishermen and not part of the PAG. Both fishing skiffs were released and continued on their way.

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[1] As reported by the Captain of the MV Almezaan , Mr. Syed Sohail Hasan, Pakistani nationality.

[2] Owned by Shahmir Maritime (IMO 1519448), Care of Biyat International Group of Companies LLC, PO Box 50255, Dubai, UAE.

[3] The UK Maritime Trade Operations (UKMTO), based in Dubai, acts as the primary point of contact for merchant vessels and liaison with military forces in the region.

[4] UKMTO confidential reporting obtained by the Monitoring Group.

[5] UKMTO confidential reporting obtained by the Monitoring Group.

[6] After the 1st boarding and securing the crime scene.

7. At the same time (1300 UTC), the medical officer from the ESPS Navarra boarded the skiff with the dead body, confirmed the victim's death and reported that the body had two bullet wounds to the thorax of a small calibre, probably either 5.56mm or 7.62mm. The state of rigor mortis indicated the moment of death to have been 4-5 hours prior to the EU boarding — approximately the same time as the reported attack on the MV Almezaan.

8. At 1900 UTC the bullet-pierced skiff was cast adrift and the 6 pirates and the corpse were taken on board the ESPS Navarra, together with their remaining skiff.

9. The six pirates identified their deceased associate and stated that two other members of their group had been killed and fallen overboard during the shoot-out with the ship they had attacked. All pirates identified the ship as a general cargo vessel and, when in sight of the MV Almezaan, confirmed that it corresponded to the ship they had attacked, but were not able to identify the vessel by name.

10. A day later, on 24 March 2010 at 0800UTC the Captain of the MV Almezaan accepted a request for boarding, permitting an ESPS Navarra team to board his vessel, accompanied by the EUNAVFOR FHQ Legal Advisor.

11. According to the MV Almezaan's Captain, his vessel was bound for Mogadishu when it was attacked at position 0354N, 04806E[7] by a PAG that had opened fire with AK47 assault rifles. He stated that although the vessel lacked the speed to escape, the crew had managed to repel the PAG by firing parachute rocket flares at them. Asked about the presence of arms or an armed escort on board of the MV Almezaan, the Captain said that he 'assumed' he didn't have any security on board and that the ship wasn't carrying any type of weapons. When shown pictures of the skiffs and the whaler, he said that they were different from the ones involved in the incident and that the pirates apprehended by EUNAVFOR therefore couldn't have been those who had attacked his ship. Consequently, the Captain did not wish to file a formal complaint against the individuals apprehended by the ESPS Navarra.[8]

12. The ESPS Navarra boarding team had no authority to conduct a more thorough search of the MV Almezaan and returned to their vessel, leaving the MV Almezaan to continue its journey to Mogadishu.

13. Since the Captain and crew of the MV Almezaan had not identified the pirates or filed a complaint, they could not be held legally responsible for the assault against the MV Almezaan. Moreover, the pirates' confession and the presence of heavy weaponry in their skiff was considered insufficient evidence to merit sending them to stand trial in Kenya. They were released and returned to the Somali coast. The body of the deceased pirate was handed over to AMISOM in Mogadishu.

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[7] Position is located close (6NM) to initial reported position, and close (8NM) to the position where the pirates were found, 28 NM off the Somali coastline and 46NM off Ceeldheere.

[8] As per the Captain's written declaration provided to EUNAVFOR.

Analysis

14. The MV Almezaan is a 30-year-old 'low and slow'[9] UAE-based general cargo vessel, which routinely sails between the UAE, Yemen and Somalia. The vessel has not adopted any of the 'best practices' prescribed by the shipping industry for counter-piracy, and has never registered or reported its journeys with MSCHOA[10] or UKMTO. In the past, it has twice been hijacked by Somali pirates.[11]

15. The location and position of the reported attack is consistent with the location of the PAG apprehended by the ESPS Navarra, given the timing between the initial distress call and the arrival of the helicopter at the scene. The details of the MV Almezaan's distress call are also consistent with description of the PAG and its weapons. No other PAG's were detected in the vicinity of the incident and the pirates identified the MV Almezaan as the vessel they had attacked.

Conclusions

16. The nature of the injuries to the deceased pirate, and the bullet holes in the skiff, indicate that a firefight took place. The time of death of the victim, as determined by the medical officer of ESPS Navarra, is consistent with the timing of the reported attack. In view of the MV Almezaan's initial report to UKMTO, that the vessel had come under attack by a PAG and that its security team had returned fire, the Monitoring Group believes that a firefight took place between the PAG and the MV Almezaan. The MV Almezaan Captain's claim that his crew deterred a team of heavily armed pirates only by using parachute flares is not credible.

17. The Monitoring Group therefore believes that the vessel MV Almezaan was indeed carrying weapons on board with the purpose of protecting and defending themselves against Somali pirates. The incident took place inside the Somali Exclusive Economic Zone and the MV Almezaan then continued its journey to Mogadishu, presumably with weapons on board, in violation of the general and complete arms embargo on Somalia.

18. The operator of the vessel, Biyat International Group of Companies LLC[12] and its managing director Mr. Mohammed Iqbal, has not replied to a letter from the Monitoring Group seeking clarification.

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[9] Max 6.2 knots.

[10] Maritime Security Center-Horn of Africa.

[11] May and November 2009.

[12] Biyat International Group of Companies LLC., PO Box 50255, Dubai, UAE.

Annex 4.1.b.: Hijacking of the MV *Victoria*

1. In the afternoon of 5 May 2009, approximately 120NM north of Bossaso (Puntland), the German-owned bulk carrier MV Victoria[1] was sailing through the calm waters of the 'Internationally Recommended Transit Corridor' of the Gulf of Aden (IRTC) in an unescorted convoy. The UKMTO[2] registered vessel was coming from Kandla (India), where it had loaded 10,000 tons of rice, and was destined for Jeddah, Saudi Arabia, to offload its cargo.

2. The crew, consisting of 11 Romanian seafarers, all between 22 and 64 years old, were well aware of the risk sailing through pirate infested area and had implemented some basic security measures to defend themselves from potential attacks.[3] However, loaded to full capacity, and with only a 2-metre high freeboard,[4] they also realized they were an easy target for pirates.

3. At around 1510PM Local Time (LT), the ship's radar screen showed a boat approaching the MV Victoria at relatively high speed. Three crewmembers present on the bridge had the small boat in sight and described it as a skiff, off the port side of the MV Victoria at an approximate distance of 4 miles. The three crewmembers remained on the lookout, positioning themselves on portside, starboard and the head of the bridge.

4. The ship's Captain was immediately called to the bridge, where he took manual control of the vessel and initiated evasive manoeuvres, turning the ship in starboard direction. However, the evasion tactics significantly slowed the ship speed, from 12.5 knots to 10, and then eventually to only 5 knots. At the same time the First Officer on board reported the incident to nearby naval vessels and informed the crew of the MV Victoria via SPA[5] that the vessel was under pirate attack.

5. As the skiff rapidly drew nearer, the crew counted 8 or 9 armed pirates on board. As a last resort to repel the attackers, the crew started the fire-hoses, but soon realized they couldn't develop sufficient pressure to direct jets of water against the pirates. A few moments later the first pirate boarded the MV Victoria using an aluminium ladder, immediately followed by his armed companions, and the crew heard shots being fired at the forecastle of the ship. As the pirates climbed on board, the Captain pushed the ship's security button, which sends out a distress signal directly to the owning and managing shipping company.[6] The MV Victoria had now officially been hijacked at position 13°22'00" N 049°23'00" E.[7]

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[1] IMO 9290074 Call sign V2BQ5 2004 build – Antigua & Bermuda flagged – German owned and managed.

[2] The UK Maritime Trade Operations (UKMTO) office in Dubai acts as the primary point of contact for merchant vessels and liaison with military forces in the region.

[3] Cutting of the last stair wells leading up to the bridge, welding metal plates to the windows, securing the engine room and positioning some fire-hoses on deck.

[4] The distance between the level of the water and the upper surface of the *freeboard* deck amidships at the side of a hull.

[5] Public Address System, communication system for use aboard ships.

[6] Intersee Schiffahrtsgesellschaft mbH & Co. KG, Weedendamm 26-28, 49733 Haren (Ems) – Germany.

[7] Ten minutes after being hijacked a naval helicopter arrived at the scene but could do no more than to ascertain itself that the ship had been hijacked.

Towards anchorage at Eyl

6. Having climbed onto the ship's command deck, the pirates fired through the bridge's glass housing, forcing the Captain, the First Officer and one other crewmember present on the bridge, to open the door and surrender. The three were then held at gunpoint, instructed to call all crewmembers to the bridge and told to lie down on the deck.[8] As soon as all eleven members of the crew were gathered on the bridge and the Captain identified, the latter was escorted to his cabin and instructed to bring back to the bridge a crew list, the crew's passports and a cargo list.

7. Back on the bridge the pirates made it clear to the Captain that they wanted to go to Eyl, a town on the north-eastern coast of Somalia, notorious as a base for pirates. Unfamiliar with the location, the Captain opened an electronic chart of Somalia. The pirate leader, clearly conversant with navigation charts, decisively pointed with his finger at a point on the map and said again, "Eyl". The chief and 2nd engineers were instructed to adopt heading 1.30 and were sent to the engine room to get the vessel moving. All remaining crewmembers were ordered to stay on the bridge, while the MV Victoria set sail for Eyl Somalia, towing the pirate skiff aft.[9]

8. En route to Eyl, an incoming call was received on the ship's satellite phone, which the crew was initially not allowed to answer. However, after repeated calls and some urging from the crew, the pirates were eventually persuaded to allow the call to be answered. The caller turned out to be the shipping company's security officer, to whom the crewmembers were able to officially confirm the hijacking.

9. Over the next 74 days, the pirates made good use of the MV Victoria's satellite phone, reportedly placing 1631 phone calls in total.

73 days anchored off Eyl

10. The journey to Eyl lasted about two days, during which the crew was obliged to spend the entire time, day and night, on the bridge of the vessel and were not allowed to talk to each other.[10] The MV Victoria arrived at Eyl on Thursday, 7 May 2009, at 0925AM LT and anchored approximately 7NM offshore. The pirate attack team then left the ship and were replaced by a new group of pirates.[11], Among them was the pirates' senior commander, accompanied by negotiator "Loyan" (see Annex 4.2). Upon arrival, the crew was instructed to hoist one of the new group's skiffs aboard, which they did, using the ship's cranes.[12]

11. The pirate commander spoke only to the MV Victoria's Captain, explaining how things were expected to evolve during the negotiations with the shipping company. He also permitted the crew to

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[8] The pirates were armed with an RPG launcher, machine guns and pistols

[9] The pirate skiff never made it to Eyl and got lost during the voyage.

[10] It subsequently emerged that between the hijacking and arrival at Eyl the crew's cabins were searched and that some personal belongings were taken.

[11] Guards, have a duty to guard and look after the crew and to prevent the ship of being hijacked by other pirate gangs.

[12] By lifting the skiff it accidently hit the hull of the MV Victoria and got severely damaged

move off the bridge into other quarters. The commander then left and was only seen 2 or 3 more times during the hijacking.[13]

12. The crew spent the next 73 days of the detention and negotiation phase, until 18 July 2009. Overall, they were well treated during that period,[14] with exception of some minor incidents. Water and rice were available on board ship, and the pirates regularly supplied themselves and the crew with fresh rations including flour, potatoes, onions, goat, pineapple compote, juices (guava), and fruits. Towards the end they also brought fresh water in plastic drums, and fuel.

13. The crew estimated the total size of the pirate gang at approximately 32 men, of whom 16 to 18 stayed on board at any one time to guard the crew and vessel. Between 6 and 8 men were always on duty. Three of appeared to enjoy seniority and exercised some authority over the others.[15] One of these three had been involved in the initial hijacking at sea[16] and was the only pirate who ever issued direct threats against the crew.[17] They asked the crew for alcohol and appropriated for themselves the crew's cameras and laptops.[18]

14. The pirates appeared to be on constant alert, apparently at the threat of attack by other pirate gangs. For defence they disposed of the following weapons: 2 light machine-guns with bipods, 1 RPG launcher, 14 Kalashnikov-type assault rifles and two pistols. The weapons were shared between the pirates and usually held by the guards on duty. One particular group of guards were seen cleaning their weapons on a daily basis. They also conducted assembly and disassembly competitions with the assault rifles. One of the machine guns was positioned on the deck, right in front of the bridge.

15. The guards were regularly supplied with *qaad,*[19] which sometimes resulted in heated discussions and quarrels, several fistfights and even a shoot out. On one occasion a guard was tied up by his fellow pirates and brought to shore.

16. The crew noticed other hijacked vessels anchored in the vicinity of the MV Victoria.[20] One crew member described Eyl like a well-organized parking lot, where each vessel had a dedicated parking area. Once a vessel was released and had left Eyl, the others moved up to the next parking area, making space for the next hijacked vessel to arrive.

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[13] When negotiations moved into their final phase, the commander spent7 to 10 days on the vessel. However, crewmembers cannot exclude the possibility that there were actually two commanders.

[14] The female First Officer of the MV Victoria was never harmed, a guarantee she received from negotiator Loyan upon arrival in Eyl.

[15] Crew believed they were named (phonetically) Ismail, Barcal and Ferer.

[16] According to a crew debrief in Salalah (Oman) on 23 July 2009 he is believed to have received US$ 150,000,00 as his share of the ransom, while the other two 'leaders' each received US$80,000,00.

[17] He told the crew that if the owner did not pay in time, he would kill a crew member every 24 Hrs.

[18] Most of the crew's personal belongings like cell phones, cameras, laptops etc. were returned to them shortly before the end of the hijacking.

[19] Qaad, also known as khat or miraa, is an evergreen shrub *(Catha edulis)* native to East Africa and the Arabian Peninsula, having dark green opposite leaves that are chewed fresh for their stimulating effects.

[20] Voices heard on VHF and visual observations refer to hijacked vessels MV Malaspina Castle (Eyl, 6 Apr 2009-9 May 2009), MV Hansa Stavanger (Eyl, 4 Apr 2009-3 Aug 2009) and MV Horizon 1 (8 Jul 2009-8 Oct 2009).

17. On an unknown date, at least two of the MV Victoria's crew heard the sound of an aircraft overflying the vessel, followed by the sound of an object plunging into the water. Shortly afterwards, the pirates were supplied with a package containing fresh t-shirts and bed sheets.[21]

Negotiations and ransom drop

18. Negotiations for the release of the vessel were handled by pirate negotiator 'Loyan', whom crewmembers described as "different", "friendly", and "wise", and apparently not a member of the pirate gang on board the MV Victoria. Loyan appeared instead to be an outsider who was "appointed" by the pirate commander to negotiate with the shipping company. Although Loyan seemed to have no direct authority over the pirates on board of the vessel, he nevertheless appeared to be influential.

19. In the early stage of the negotiations Loyan came and went regularly. The crew was usually not present during the negotiations on the bridge and therefore didn't have much interaction with him. However, as negotiations entered their final phase, Loyan stayed on board the ship day and night.

20. In general, the negotiations for the release of the MV Victoria have been described as fairly smooth, although at the very end they faltered and were delayed for at least 14 days by a disagreement over US$ 50,000. From an initial demand by the pirates for US$ 8 million, the ransom demand eventually descended to a mutually agreed sum of US$ 1.95 million.[22] Later, the pirates communicated to the media that they had received US$ 1.8 million for the release of the vessel. It therefore appears that pirate negotiator Loyan and the pirate commander kept US$ 150,000 for themselves from the total amount.[23]

21. The ransom was due to be air dropped into the water on 17 July 2009. Just prior to that date, all pirates involved in the operation came to the ship to collect their shares.[24] All were then supplied with brand new beige military uniforms, boots and belts in order for them to leave the ship dressed like Puntland security forces. Loyan told the crew that the pirates could either leave the ship immediately after the money drop, or that they could stay on board and secure the safety of the crew until the vessel was ready to leave. The crew accepted the second offer.

22. On 17 July 2009 at 11:45AM LT the money was parachuted into the ocean near the MV Victoria. It was quickly recovered and brought on board, where it was divided between the pirates. As agreed with the crew, the pirates remained on board until the early morning of 18 July 2009,[25] when the MV Victoria set sail for Salalah, Oman.[26]

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[21] The aircraft was not visually observed. Nevertheless, the crewmembers firmly believed that the package of T-shirts and sheets was delivered by airdrop.

[22] At a very early stage of the negotiations, Loyan shared with the Captain of the MV Victoria his calculation of the final ransom payment and came up with a target figure of US$ 2 million.

[23] Negotiating a separate amount for themselves is a tactic routinely used by pirate negotiators, as in such cases as the MV Pompei, MV York, Barge DN 127 (Jan De Nul), and others.

[24] Crew members estimated their number at about 30.

[25] 0500AM local time.

[26] On its way to Salalah, north of Socotra, the MV Victoria had a rendez-vous with a tug boat, set up by the shipping company, who provided the crew with medicine, water and other logistical supplies. In Salalah the crew was debriefed on the hijacking and returned home. A forensic team of the German Federal State Investigation Office arrived on 20 July 2009 in Oman in order to record all traces and evidence necessary for the initiated investigation. Later the vessel was brought to Delfzijl, Holland, to conduct necessary repairs due to the vessel's long and immobile stay in the water.

What does a hijacking case cost?

23. The MV Victoria hijacking is illustrative of the costs typically associated with an act of piracy. The total cost of the MV Victoria hijacking represents **€3,219,885.80**, which are broken down as follows:

Direct costs of the hijacking[27]:

- Company costs (travel, communication, hotel, meetings, etc.)
- Cash stolen by the pirates on board the hijacked vessel
- Communications from the vessel
- Lawyers
- Private security risk company (negotiations, ransom delivery, debrief etc.)
- Ransom payment
- Charter of a tug boat after the hijacking
- Port and agent's fees
- Repairs (hull, machinery, equipment, computers, etc.)
- Medical costs

In the case of the MV Victoria, these direct costs amounted to **€2,585,161.27**.

24. In addition, the shipping company suffers the indirect costs deriving from the loss of hire of the vessel. In the MV Victoria's case these involved 141.5 days, corresponding to a total cost of **€634,724.53.**

25. In most cases, the direct costs of a hijacking may be eligible for coverage under a shipping company's 'Kidnap & Ransom' and 'Hull and Machinery' insurance policies. However, while the ransom payment itself and the fees of the private security companies negotiating and delivering the ransom money are typically covered right away by the responsible underwriter, other costs may be contested. The situation may be further complicated when a policy involve multiple underwriters, or when it is unclear clear which underwriter or which policy covers which costs.[28] In the case of the MV Victoria hijacking, some costs have already been advanced by underwriters, while liability for other costs has yet to be determined.

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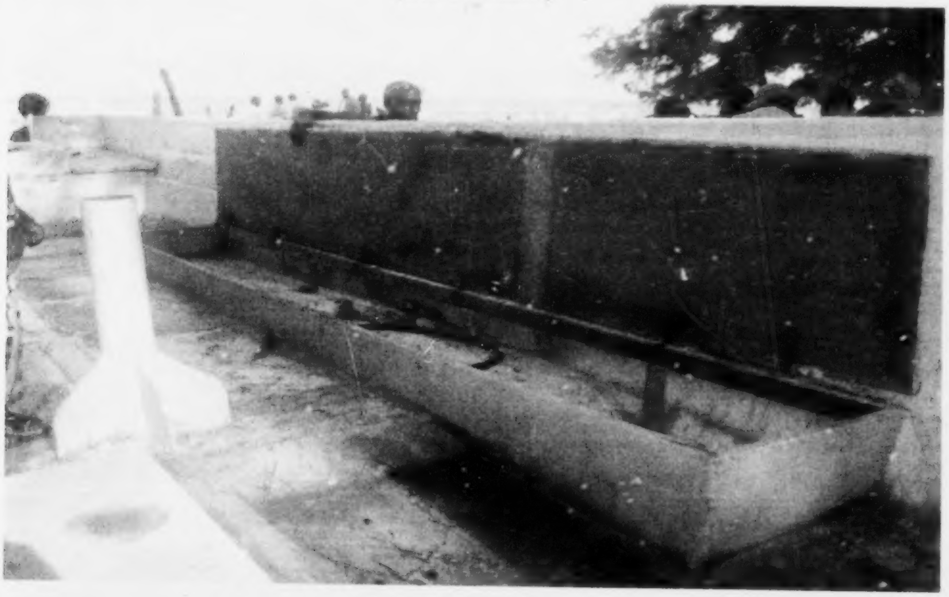
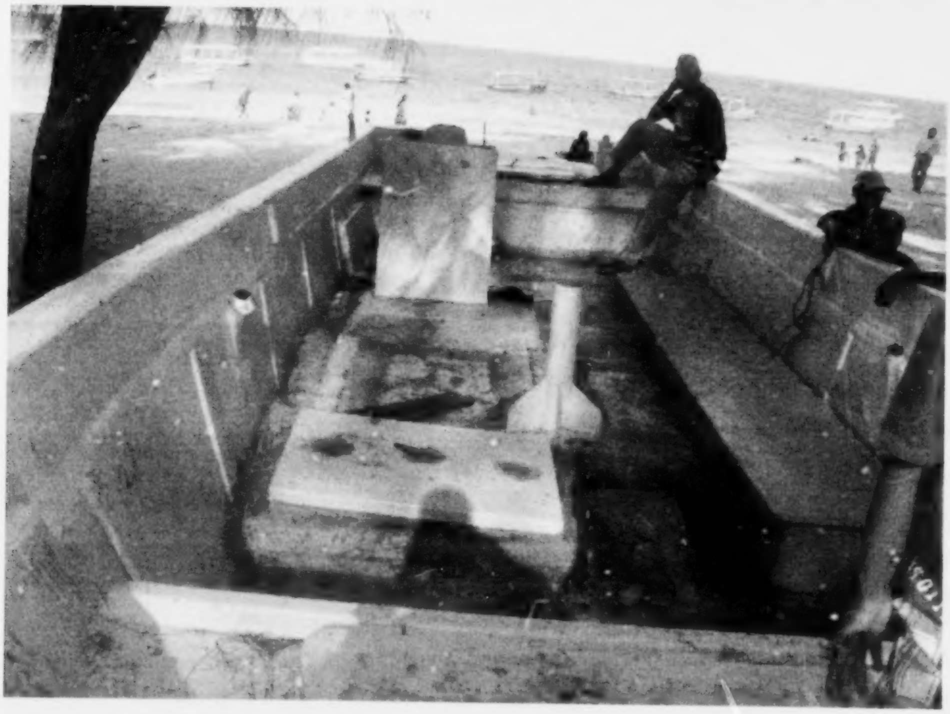
[27] Not limited to the costs mentioned.

[28] This could possibly be further complicated by the fact that one policy may be covered by different underwriters.

Annex 4.1.c.: Modified skiff

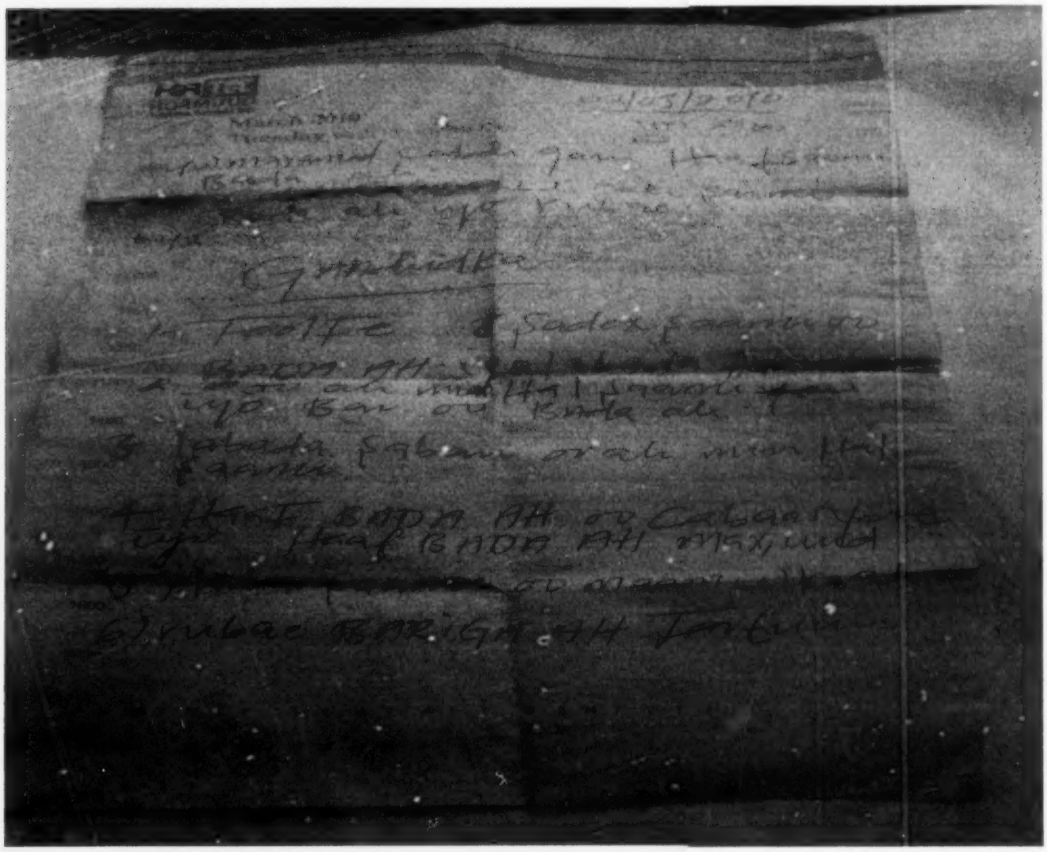
Modified skiff with storage and universal mount for use of heavy or light machine guns (2010 seizure)





Annex 4.1.d.: Seized pirate document (distribution of shares)

This document was recovered from Somali pirates on 5 March 2010 (Indian Ocean). The document shows the distribution of shares according to each pirate's contribution and position within the operation.



Translation

10) Mohamed Abdighani one sea share.

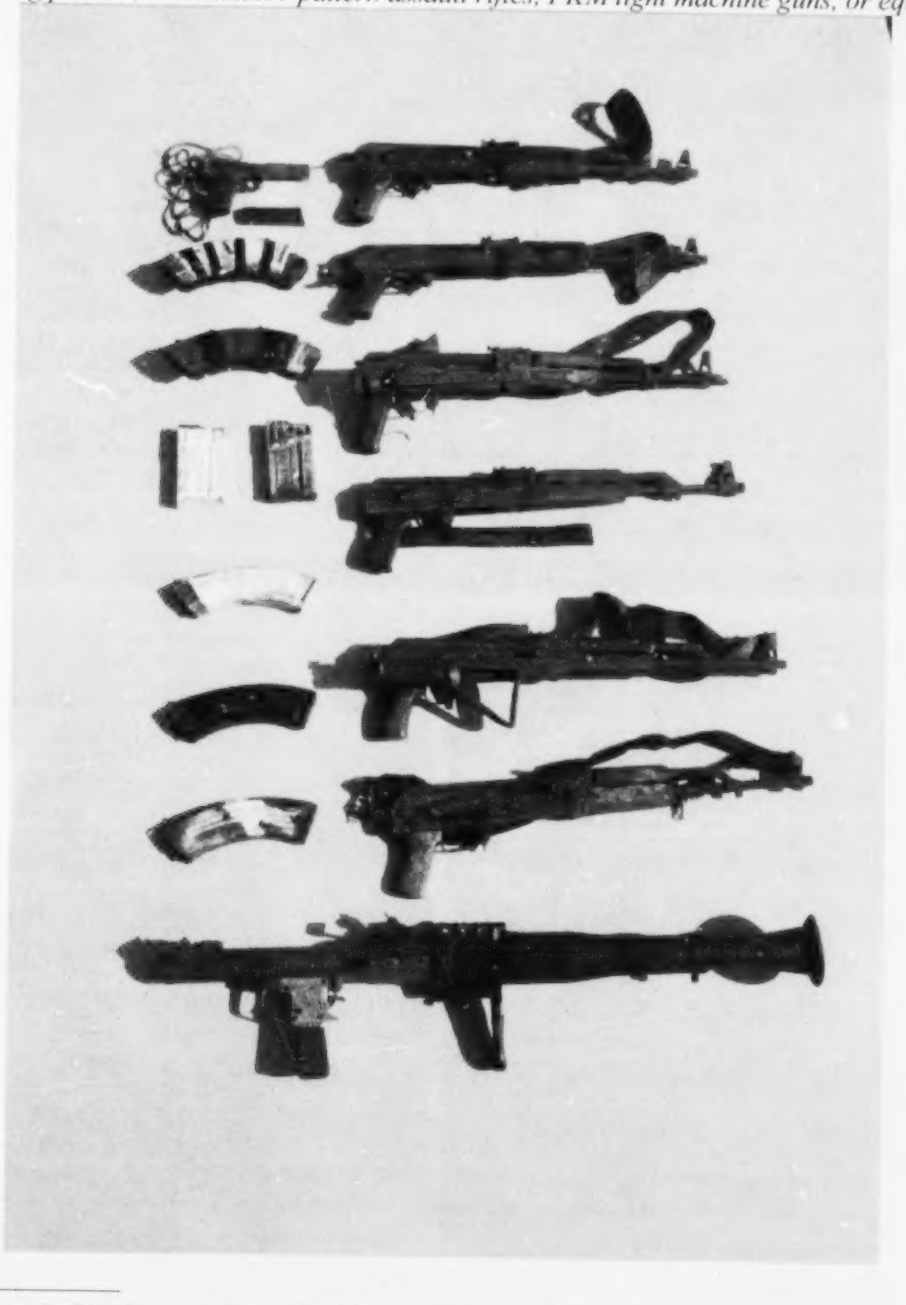
11) Abdiaziz Abdi Ali one and one quarter sea share.

Equipment

1) Volvo (whaler): three sea shares.
2) The two skiffs: one and a half sea shares for each.
3) The two RPG's: one share each.
4) Half sea share for Abaas Yare and the same for Mohamud.
5) Two shares for the administration.
6) Quarter sea share for Fartuun.

Annex 4.1.e.: Weapons, equipment and motherships 2010-2011

Typical arsenal of old weapons (2011EU NAVFOR seizure) used by sea-going pirates, comprising pistols[1], Kalashnikov-pattern assault rifles, PKM light machine guns, or equivalent



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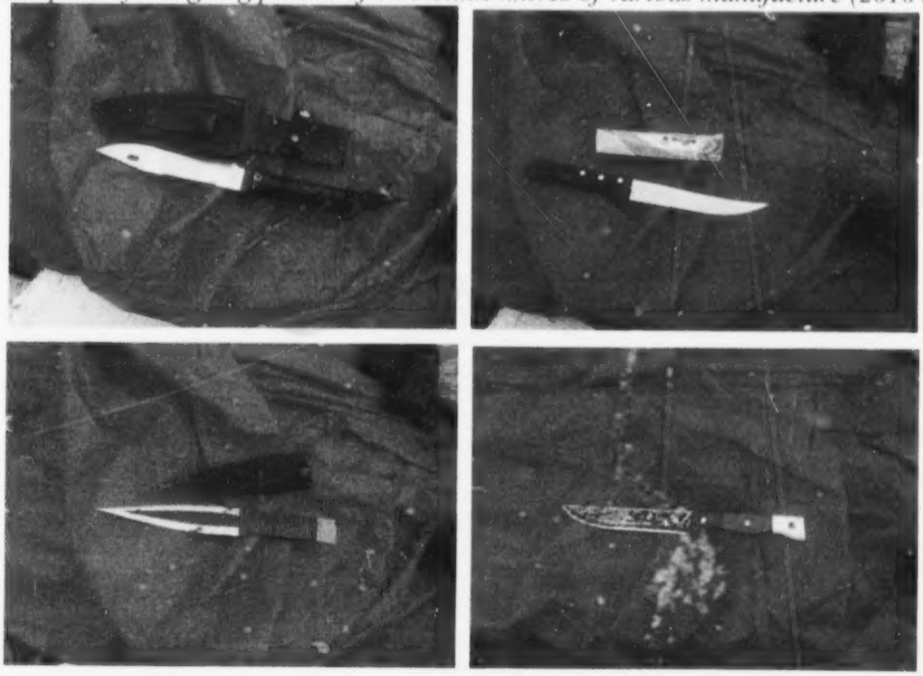
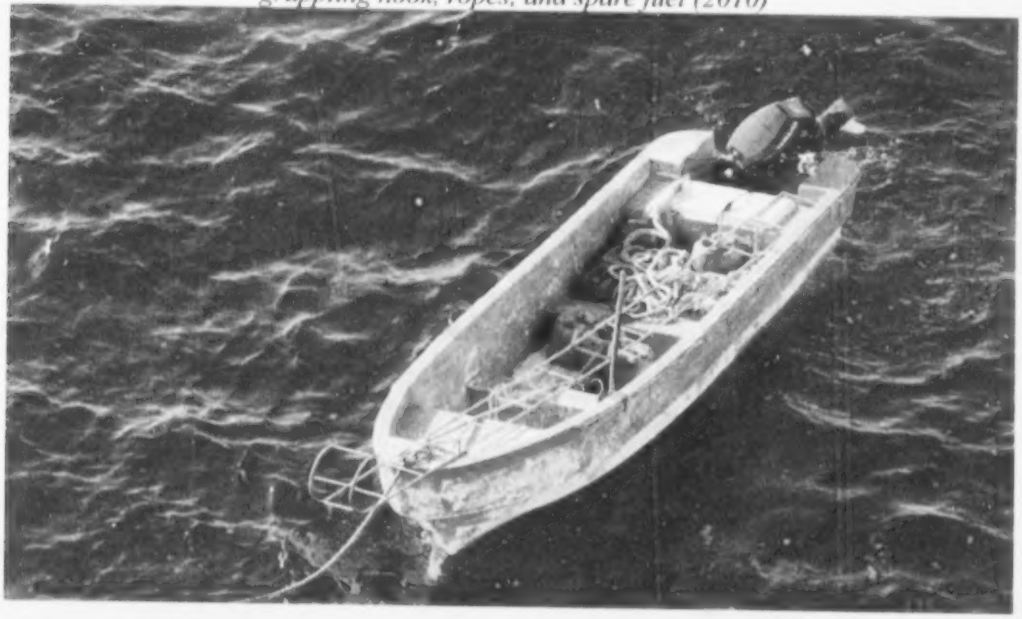
[1] The most common pistols used among pirates are the Makarov and Tokarev (TT).

Typical arsenal of RPG grenades (2010 EU NAVFOR seizure), RPG launchers and RPG expulsion charges, commonly used by sea-going pirates during an attack on a merchant vessel

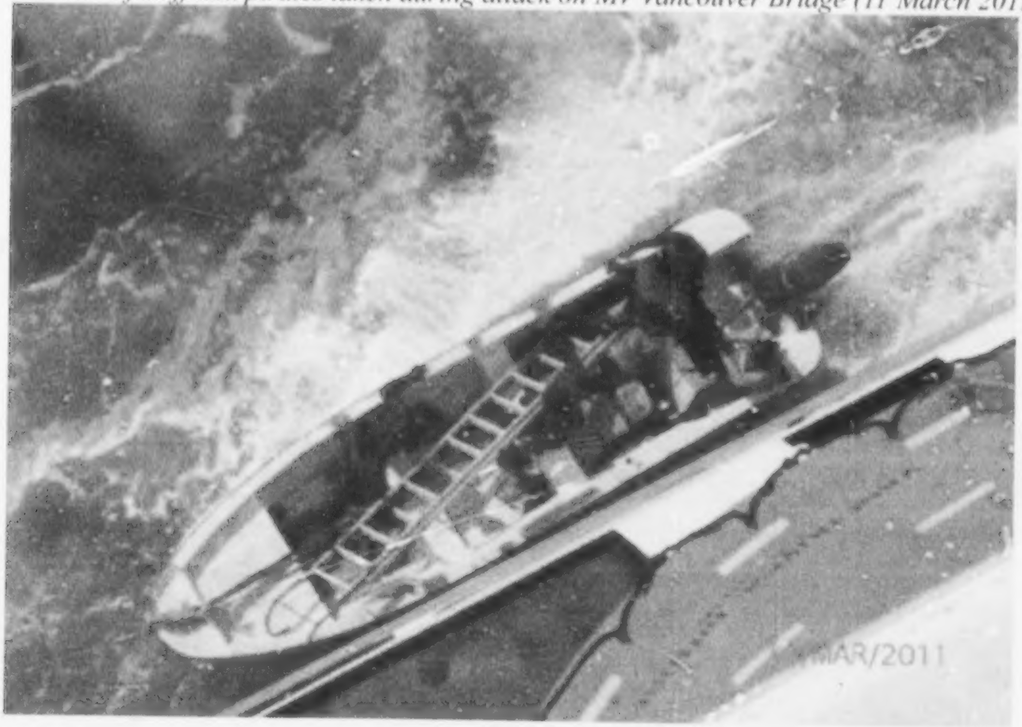
Weapons of sea-going pirates often include knives of various manufacture (2010 seizure)



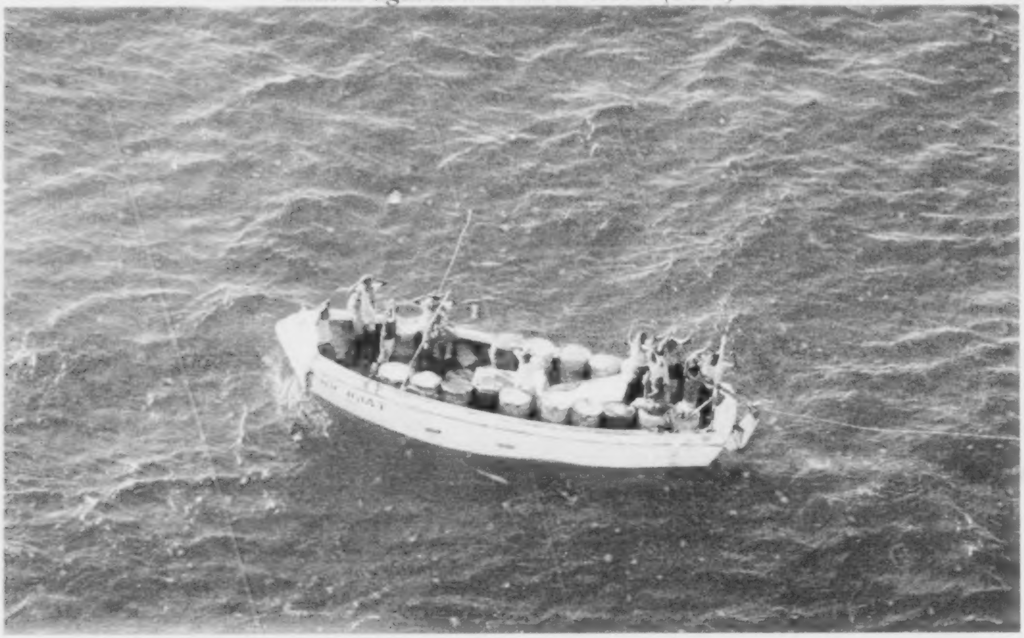
Typical pirate attack skiffs with 60HP Yamaha outboard engine, ladder with welded bow, grappling hook, ropes, and spare fuel (2010)

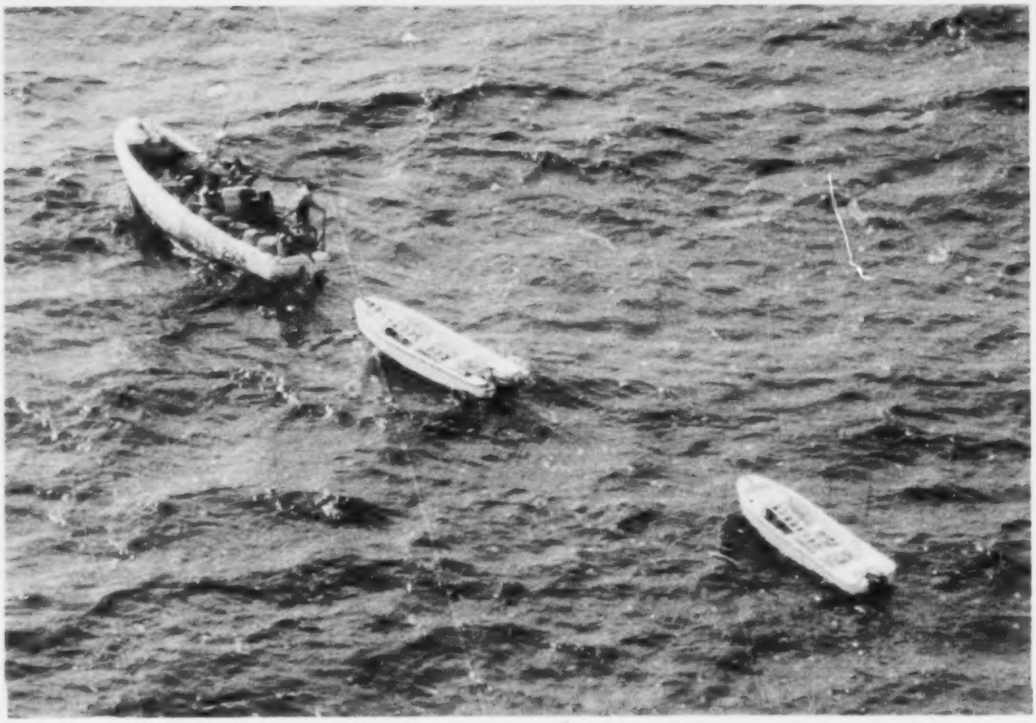


Picture of skiff and pirates taken during attack on MV Vancouver Bridge (11 March 2011)

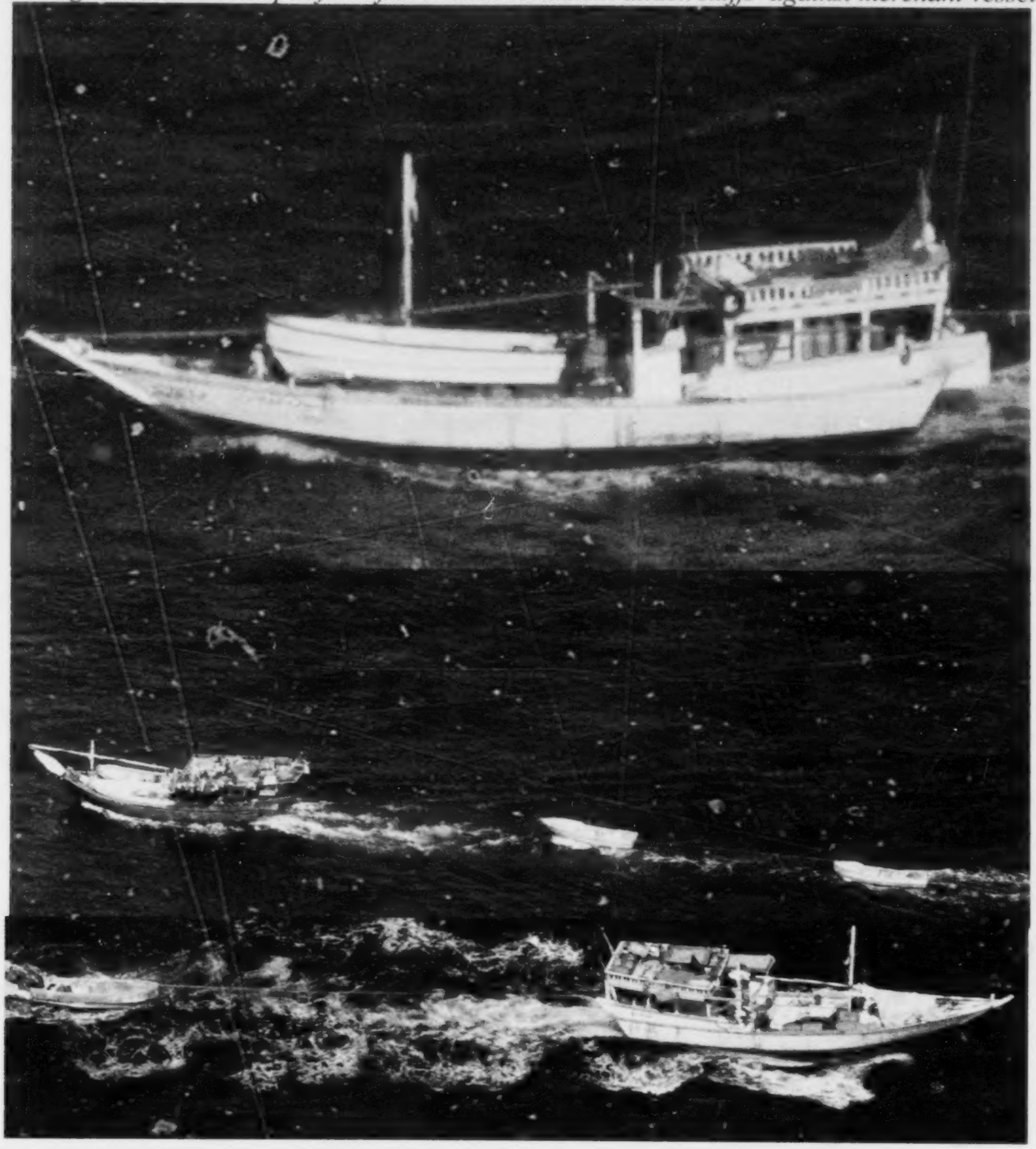


Typical pirate 'whaler' motherships, used as a logistical base and platform from which to launch attacks against merchant vessels (2010)





Typical hijacked 'dhow' mother ships with skiffs on board and towed (2010-2011). Used by pirates as a logistical base[2] and platform from which to launch attack skiffs against merchant vessels



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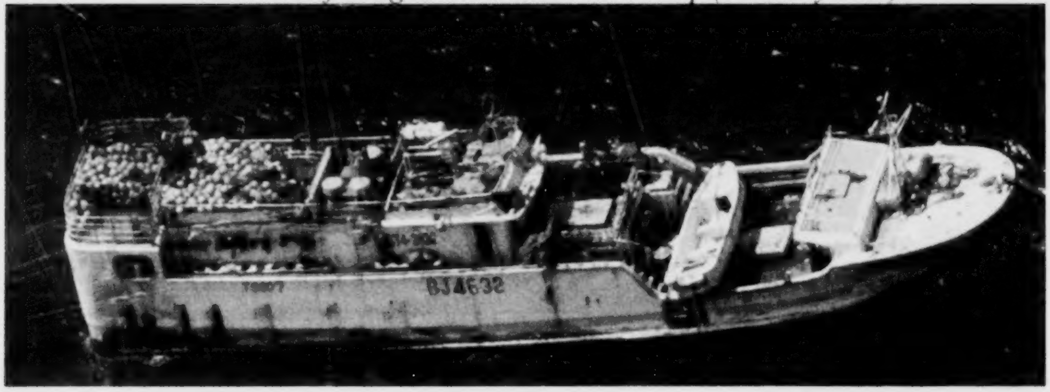
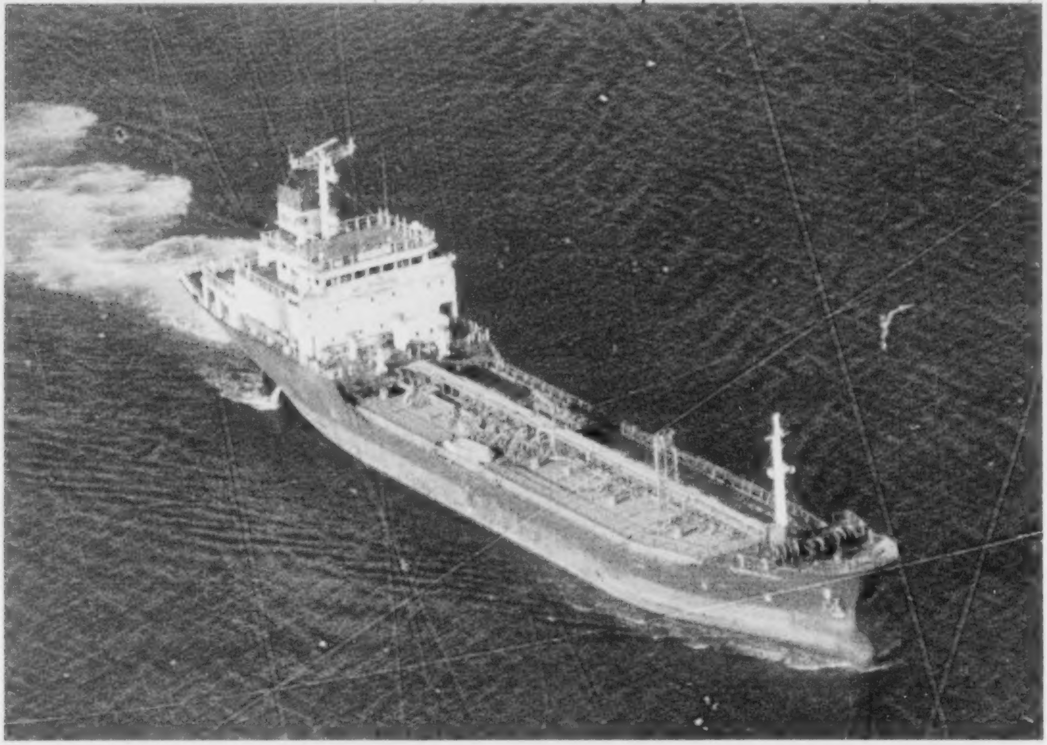
[2] For transporting commodities, fuel, weapons, skiffs, outboards, etc.

Pirated fishing vessel used as mothership (February 2011)



Pirated merchant vessel (MV) used as mothership: Al Nisr Al Saudi (October 2010)



Annex 4.2.: Case study: Loyaan Siciid Barte, pirate negotiator

1. Another development has been the growing importance of pirate negotiators, also called 'interpreters', within piracy networks. Important negotiators in 2009 and 2010 included Ali Hassan Sharmarke, Looyaan Si'id Barte (see below), Mohamed Saaili Shibin, and Ahmed Saneeg.

2. Negotiators are entrusted with one of the most important tasks in the business: to get the shipping company to pay the maximum amount of ransom for the release of its hijacked vessel. Some negotiators may be involved with two or more ships at the time, sometimes for different networks.[1] At the time of writing, some 14 pirate negotiators are negotiating the release of 25 merchant ships, trawlers and a sailing yacht in exchange for millions of dollars.

3. Since negotiators must master foreign languages, especially English, they are usually recruited from outside pirate networks, operating essentially as 'consultants' to pirate militias, although often linked by clan affiliation. Many have worked or studied outside Somalia, and continue to travel abroad.

4. A pirate negotiator must follow his employer's instructions carefully and any negotiation techniques he employs must be discussed in advance with the pirate leader, but he (and so far, all negotiators have been male) must also possess the social skills required to bring the parties to agreement. Threats to kill the hostages are a common tactic, as is prolonging the negotiations by maintaining long periods of silence.

5. Generally, a negotiator will only spend enough time on board ship to conduct his negotiations, except during the final and decisive phase when he may stay on board day and night. In his communications with the owners or the operators of the hijacked vessel, the negotiator uses a pseudonym to conceal his own identity. He also changes his cell phone number on a regular basis, although many prefer only to use the ship's satellite phone to engage in communications.

6. Pirate negotiators typically receive twice the share awarded a pirate guard for their services, although this varies across pirate groups. But in a number of cases negotiators have also extracted additional, secret payments from shipping companies either for themselves, or in concert with the pirate militia leader, in some cases giving instructions for funds to be wired to a foreign account.[2] As their earnings grow, some negotiators have also emerged as investors in pirate operations as well.

Looyaan Si'id Barte

7. On 29 January 2009, just before dawn, the Bahama-flagged and German-operated gas tanker MV Longchamp (IMO 9005106) was hijacked by seven Somali pirates off the southern coast of Yemen at position 14°01'00"N, 049°41'00"E , about 60NM from the port of Al-Mukalla in the Gulf of Aden. The vessel was ordered to sail to the Somali fishing town of Eyl, a notorious hub of pirate activity, where it was subsequently anchored. Soon after its arrival the ship was visited by a Somali pirate negotiator,

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[1] In one particular case a negotiator was involved in 4 or 5 hijacking cases simultaneously.

[2] E.g. MV Pompeï (18 April 2009-29 June 2009) MV Victoria (05 May 2009-18 July 2009), MV York (23 October 2010-09 March 2011).

apparently appointed by the pirate gang, who contacted the Hamburg-based operator of the Longchamp, Bernhard Schulte Shipmanagement GmbH & Co. KG ('BSMD').

8. The hijacking of the Longchamp was the first of 20 Somali hijacking cases in which pirate negotiator 'Loyan' was reportedly involved between January 2009 and April 2011.[3] These include:

1. MV Longchamp (29 Jan 2009-28 Mar 2009)
2. MV Malaspina Castle (06 Apr 2009-09 May 2009)
3. MV Win Far 161 (06 Apr 2009-11 Feb 2010)
4. MV Patriot (25 Apr 2009-04 Jun 2009)
5. MV Ariana (02 May 2009-10 Dec 2009)
6. MV Victoria (05 May 2009-18 Jul 2009)[4]
7. MV Navios Apollon (28 Dec 2009-28 Feb 2010)
8. MV St James Park (28 Dec 2009-04 May 2010)
9. MV Asian Glory (01 Jan 2010-11 Jun 2010)
10. MV Al Nisr Al Saudi (02 Mar 2010-07 Dec 2010)
11. MV Frigia (23 Mar 2010-29 Jul 2010)
12. MV Samho Dream (04 Apr 2010-06 Nov 2010)
13. MV Marida Marguerite (08 May 2010-28 Dec 2010)
14. MV Panega (11 May 2010-09 Sep 2010)
15. MV Polar (30 Oct 2010-to present)
16. MV Hannibal II (11 Nov 2010-17 Mar 2011)
17. MV Jahan Moni (05 Dec 2010-14 Mar 2011)
18. MV Thor Nexus (25 Dec 2010-12 Apr 2011)
19. MV Sinin (12 Feb 2011-to present)
20. MV Irene SL (09 Feb 2011-08 Apr 2011)[5]

9. As of April 2011, Loyan was still actively involved in 2 hijacking cases.[6] It cannot be ruled out that he has been involved in other cases as well, possibly using aliases.

10. In his negotiations with shipping companies and professional negotiators engaged by corporate risk firms, 'Loyan' tries to remain as anonymous as possible, calling himself 'Loyan', "Leon" and "Ali", or sometimes using pseudonyms like "Blue Moon", "Red Sun", "Seabird" or "Bluefish".

11. Loyan's services have been much in demand over the past two years.[7] Although primarily employed by the Puntland Piracy Network (PPN), he has performed at least 6 negotiations on behalf of the Hobyo-Harardheere (HHN) network as well, suggesting that he has established a solid reputation with leaders of both groups.

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[3] Of which 17 cases have been corroborated by multiple independent sources.

[4] In addition to various credible sources Loyan's involvement as a pirate negotiator in the hijacking of the MV Victoria has been reported in an article by Canadian freelance journalist Jay Bahadur in June 2010 who visited Eyl in June 2009 while the MV Victoria was there anchored: http://www.ft.com/cms/s/0/e5f60614-7d23-11df-8845-00144feabdc0.html#axzz1JHJN0NCU

[5] A Greek flagged, owned and managed Crude Oil Tanker, released on 08 April 2011 and ransomed for a record amount of US$11 million.

[6] MV Polar (30 Oct 2010) and MV Sinin (12 Feb 2011).

[7] 8 hijackings in 2009, 9 in 2010 and 2 so far in 2011.

12. In September 2010, while simultaneously involved in 3 hijacking cases, he took on a fourth case, replacing another pirate negotiator called 'Ali Jama'[8] as lead negotiator for the ransom of the MV Marida Marguerite. Three months later, however, on 8 December 2010, Loyan made his last phone call to the Marida Marguerite's owners and was in turn replaced by Ali Jama who, finalized the negotiations and released the vessel on 28 December 2010. Loyan was told that his dismissal was due to a lack of communication with the pirates and the crew on the MV Marida Marguerite but was probably also related to the fact that he was negotiating 5 vessels at the same time.[9]

13. Based on standard pirate business models (see Annex 4.3), the Monitoring Group estimates that, between January 2009 and April 2011, Loyan received at least US$500,000.00 for his services as a principal negotiator. In addition, given the substantial income he has generated so far and his deep involvement in the piracy 'business', it is highly likely that Loyan has also participated in some piracy operations as an investor.

Personal details

14. Loyan is described as being in his early forties, around 1.75 metres tall, medium build, and dark-skinned, with short hair and a goatee. He wears both prescription glasses and sunglasses and has one false eye, reportedly on the left side of his face, and surrounded by a scar. On board a vessel he is usually seen dressed in *macawiis*,[10] a t-shirt and slippers. He sometimes chews *qaad*.

15. Loyan speaks good English and may possess Russian language capabilities[11]. He is a skilled communicator and negotiator who often manages to finalize the ransom agreement at close to the amount he has targeted from the outset. Shipping company negotiators have described him as generally polite, straightforward, and determined, but also capable of being threatening when he feels the need.[12]

16. In various hijackings Loyan has been described by crewmembers as friendly, polite, clean, and well-mannered. On his occasional visits on board ships, he spends only sufficient time for the conduct of negotiations. However, when negotiations enter the final stage, Loyan stays on board of the vessel day and night. He makes regular phone calls to consult the pirate commander.

17. In his interactions with several crewmembers Loyan has told them that he was born in Dhinowda, Somalia, to a wealthy family, and to have a wife and three children who have lived in Mogadishu.[13]

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[8] Identified by a credible confidential source as 'Mohammad Saaili Shibin', approximately 55 years old, born in Qardho, Somalia, from the Osman Mahmud clan.

[9] MV Al Nisr Al Saudi (2 Mar 2010-7 Dec 2010), MV Marida Marguerite (8 May 2010-28 Dec 2010), MV Polar (20 Oct 2010-to present), MV Hannibal II (11 Nov 2010-17 Mar 2011), MV Jahan Moni (5 Dec 2010-14 Mar 2011).

[10] A *lungi* or wrap commonly worn by Somali men.

[11] As reported by crewmembers of the MV Malaspina Castle who claimed that Loyan appeared to be listening and understanding conversations they had in Russian.

[12] In one particular hijacking case, towards the end of the negation, Loyan issued the threat that if several million dollars was not agreed to be paid in three days they would start killing a crew member every 24 hrs from the end of that day, as declared by a confidential source to the Monitoring Group.

[13] Dhinowda is a coastal village, pirate den, between Eyl and Garacad, is part of Nugaal region and is exclusively inhabited by Majerteen / Ciise Mahmoud clan.

He claims to have studied abroad and to have lived in Dubai, India and Djibouti. At times he has mentioned a brother living in the United States. In conversations with the Romanian crew of the MV Victoria, he appeared to be knowledgeable about the country, and spoke of a female cousin who had studied in Romania in a distant past.[14]

18. On the basis of its investigations to date, the Monitoring Group believes that Loyan's real name is in fact Looyaan Siciid Barte, and that he is a member of the Darod / Majerteen / 'Iise Mahmud clan, Ahmed Khayre sub-clan. He is married to a woman named Najmo Ali Igal, who possesses Swedish travel documents and is believed to reside in Göteborg, Sweden. She is a member of the Darod / Majerteen / Omar Mahmud clan, Reer Khalaf sub clan, which inhabits parts of northern Mudug region.

19. In September 2009, Loyan was contacted by Sajeeth K., Business Develop Manager at Interman Training & Software Solutions,[15] a company based in Sharjah, UAE, which provides online computer training services. On the basis of its investigations the Monitoring Group believes that it is highly likely that the company had previously sold one of his products to him and therefore may have had access to some of his financial data. Unfortunately, several emails and a letter of the Monitoring Group sent to Sajeeth K. and the company remained unanswered.[16]

20. The Monitoring Group also believes that some of Loyan's past travels between 2004 and to date were conducted with Djibouti Airlines. The letter the Monitoring Group has sent to the company requesting for additional information remained unanswered.[17]

21. In the recent past, Loyan's presence has been established in Lithuania (22 to 26 April 2009), Djibouti (13 July 2010, and 10 to 12 August 2010), Sweden (24 August 2010) and Kenya (11 October 2010). It is also possible that Loyan has recently travelled to the United Kingdom.[18]

Associates of Looyaan Si'id Barte

Cabdiraxmaan Ciise Oomaar

22. In 2010, Loyan was in regular contact with an individual named Cabdiraxmaan Ciise Oomaar, who sent Loyan numerous articles about piracy and ongoing hijacking cases from London, United Kingdom.[19] The information obtained has been communicated to the Government of the United Kingdom to obtain additional identifying information about the individual.

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[14] Before 1998.

[15] Postal Code 24075, Sharjah, UAE.

[16] A copy of the letter was shared with the Government of the UAE. A separate letter sent to the Government of the UAE remained unanswered.

[17] A copy of the letter was shared with the Government of Djibouti.

[18] Letters sent by the Monitoring Group to the Governments of Lithuania, Sweden and the UK remained unanswered.

[19] Including articles related to the MV Al Nisr Al Saudi (02 Mar 2010-07 Dec 2010) and the MV Marida Marguerite (08 May 2010-28 Dec 2010).

Abdulkadir Muse Hirsi Nur (Nickname 'Computer')

23. As a senior pirate negotiator Loyan is associated with a well-organized pirate group from the Ciise Mahmoud clan, previously operating from Puntland. The pirate group is allegedly called "The Berets" and is headed by an individual widely known in Puntland as 'Computer' or 'Kumbuyuutar',[20] whose involvement has been established in the MV Victoria, MV Panega and MV Patriot hijackings — all of which were handled by Loyan.

24. Computer has been positively identified as Abdulkadir Muse Hirsi Nur[21] who calls himself the 'Colonel of the Berets'.[22] He is a resident of Garowe and a member of the Darod / Majerteen / Ciise Mahamud clan, Abokor Ciise sub-clan.

25. In the early months of 2008, the leader of the Puntland Pirate Network Abshir Boyah employed him to work as a psychic with his pirate network.[23] Later Abshir Boyah promoted him to a financier and leader of a 35-member pirate group, which was to become a member gang of the Puntland Pirate Network.

26. In June 2010, a year after a visit to Eyl in June 2009, freelance journalist Jay Bahadur published an article in the Financial Times, wherein he identified an individual named 'Adulkhadar', nicknamed 'Computer', as a pirate commander and businessman with headquarters in Garowe, who had been involved in the hijacking of the German-operated vessel MV Victoria as principal investor responsible for supplying the start-up capital of the operation.[24]

27. In September 2010, Abdulkadir Musse Hirsi Nur was reportedly arrested in Garowe on charges of importing alcohol.

Abdi Yare (Nickname 'Small Abdi')

28. Loyan is also associated with one of the major pirate leaders and financiers in the Puntland Pirate Network named Abdullahi Ahmed Haji Farah[25], better known as 'Abdi Yare', who is in regular contact with the media. Yare runs a heavily armed pirate militia and used to have his base and headquarters in Garacad. He has also been operating in Hobyo and Haradheere and is in contact with both Mohammed Abdi Hassan[26] and his son Abdiqadir Mohammed Abdi. He is a member of the Darod / Majerteen / Omar Mahmud clan, Abdi Isse sub-clan.[27]

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[20] As mentioned on seized pirate documents in possession of the Monitoring Group.

[21] Abdulkadir Musse Hirsi Nur a.k.a. Computer is believed to be around 35 years old, married, two children and two brothers of which one is allegedly living in the USA. Speaks good English.

[22] As declared by crew members of the MV Panega on 16 Sep 10 who also stated that Loyan called himself the 'lawyer of the Berets'.

[23] Once a police lieutenant in Mogadishu, Computer returned to Puntland in the wake of the civil war in 1991, where he gained a local reputation as a psychic. (http://www.ft.com/cms/s/0/e5f60614-7d23-11df-8845-00144feabdc0.html#axzz1JHJN0NCU).

[24] http://www.ft.com/cms/s/0/e5f60614-7d23-11df-8845-00144feabdc0.html#axzz1JHJN0NCU.

[25] A.k.a. Abdulahi Farah Hassan.

[26] A.k.a. 'Afweyne', meaning bigmouth . Assumed to be the biggest pirate leader in the Hobyo-Harardheere network but is believed to have retired. His son Abdiqadir has taken over his business.

[27] Reer Hirsi sub-clan.

29. Loyan has been acting as a negotiator for Abdi Yare, who has become a major investor. They have been jointly involved in at least 5 hijackings.[28]

30. In addition, as a pirate leader and/or investor, Abdi Yare was reportedly involved in at least 10 other hijackings between 2008 and 2011.[29]

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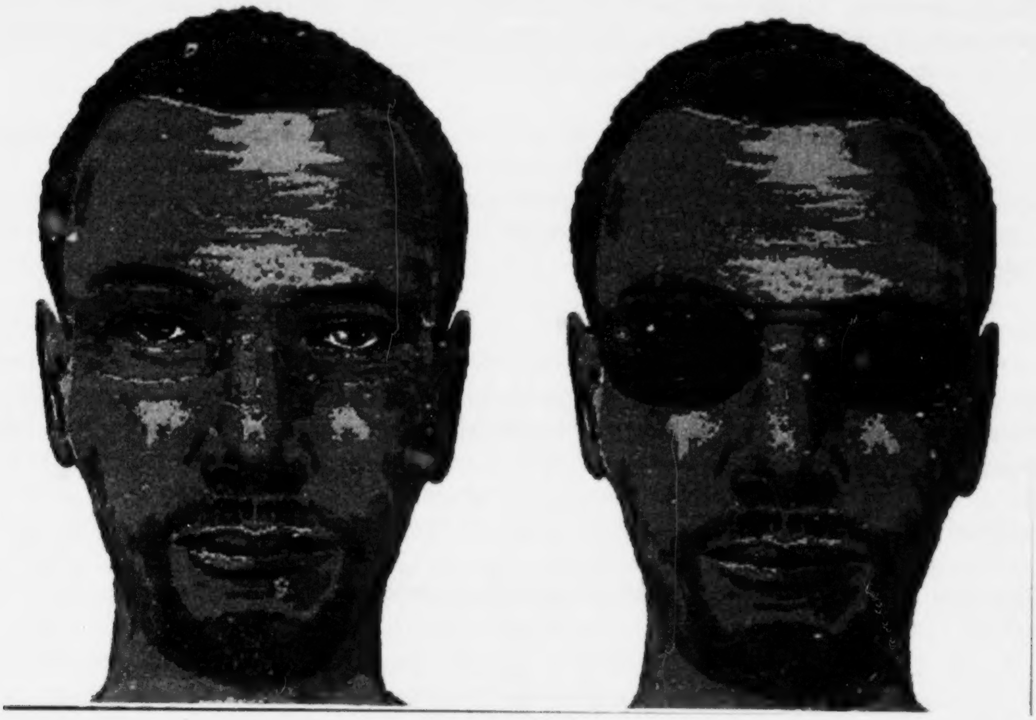
[28] MV Win Far 161 (06 Apr 2009-11 Feb 2010), Navios Apollon (28 Dec 2009-28 Feb 2010), MV Samho Dream (04 Apr 2010-06 Nov 2010) - MV Marida Marguerite (08 May 2010-28 Dec 2010) and the MV Hannibal II - (11 Nov 2010-17 Mar 2011).

[29] MV Bright Ruby (10 Sep 2008-16 Oct 2008), Nipayia (25 Mar 2009-09 May 2009), MV Hansa Stavanger (04 Apr 2009-03 Aug 2009), MV Pompei (18 Apr 2009-29 Jun 2009), MV Alakrana (02 Oct 2009-15 Nov 2009), Dhow Saad 1 (Oct 2009-17 Mar 2010), SV Lynn Rival (23 Oct 2009-14 Nov 2010), MV York (23 Oct 2010-09 Mar 2011),MV Blida (01 Jan 2011-to present), MV Khaled Muhieddine K (20 Jan 2011-26 May 2011).

Annex 4.2.a: Sketch of pirate negotiator Loyaan Siciid Barte



Annex 4 3.:
Case study: pirates and finances – the Hobyo-Harardheere 'business model'

1. Piracy financing is more complex than widely believed. The notion that ransom payments disappear straight into pirates' pockets, and are then transferred to Dubai, Nairobi and Mombasa to invest real estate and commerce, is simplistic and in some ways misleading.

2. Pirate finances are usually managed by a 'Committee', who organize an operation and are responsible for managing all the costs. The Committee members usually consist of a chair,[1] the two principal investors, the commander of the sea-pirates and the commander of the terrestrial guard force. The Committee is supported in the financial aspects of its work by an accountant who is usually rewarded with a share equal to that of a guard.

3. Ransom payments must cover two types of expense: the 'cost' of the operation and the 'profit'. After a ransom drop, pirate leaders deduct the operational expenses or 'cost' from the total amount of ransom, before distributing the remaining money or 'profit' to participants in the operation. The profit is generally lower than the cost and is divided between the investors (30%), the guard force (30%) and the sea-pirates (40%).

Operational cost

4. The 'cost' of an average pirate operation typically includes the following:

- Committee members: usually 5 persons who collectively receive 5% of the total ransom amount for their work in the Committee, in addition to the return on their investment;
- Provisions for pirates and crew, both on board the hijacked ship and onshore, including food, drink, clothes, qaad, vehicles, equipment, weapons, outboard engines, fuel, etc.[2];
- *Shahaad*: a Somali social obligation to share wealth, whether in cash, or by showing generous hospitality, estimated at as much as 20% of the total ransom amount;
- Somali cook(s);
- Accountant(s);
- Logistics coordinator;
- Interpreter or negotiator[3];
- Payoffs to other local militia groups (to date only in Harardheere)[4].

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[1] Pirate leader and investor.

[2] Variable cost, paid back at up to 300% of cost. Off duty expenses like cigarettes, phone cards and prostitutes are usually not included in the 'cost'.

[3] 2 shares equivalent to a guard force share

[4] Estimated at 5 to 10 % of the total ransom amount. Recent reports even speak of 20%

Profits

5. Investors in an operation share roughly 30% of the profit, according to their individual contributions. The remainder of the profit is distributed in the form of 'shares' to the participants. An individual can play multiple roles in an operation, organization and therefore collect multiple shares or fees.[5]

The khat business

6. A large proportion of the ransom money is invested by pirate leaders in the '*qaad* or '*miraa*' trade through Somali businessmen in Nairobi. Aircraft that fly *qaad* from Kenya into Somalia often return to Nairobi with cash — an important channel for piracy proceeds to leave the country. Pirate leader Mohammed Abdi Hassan 'Afweyne',[6] for example, is said to run such a business for the piracy network in Harardheere/Hobyo.

7. Most young pirates chew *qaad* as a way of passing the time, staying alert and socializing with their fellow pirates. They may spend weeks or months trying to hijack a ship, guarding the crew on board a hijacked ship, or providing protection onshore. Since few can afford the daily consumption of *qaad* for such extended period, *qaad* is usually provided to them on 'credit' by the pirate leaders, investors, and businessmen who control both the pirate network and the *qaad* business. Accounts are meticulously recorded, and the return for the *qaad* suppliers is huge, especially because they may charge the pirates as much as three times the market prices for qaad bought on credit.[7] In practice this means that a pirate pays up to US$150 for one 'kilo' of *qaad*, which normally sells for US$50 on the streets of Harardheere.[8]

8. The symbiotic dynamic between piracy and the *qaad* trade clearly offers some pirate leaders a way both to invest their proceeds and to generate additional profits, which can be invested outside Somalia.

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[5] Pirate leader/investor, negotiator/investor, sea-pirate/guard/investor, etc …

[6] Afweyne is a nickname, meaning 'big mouth').

[7] The qaad supply to pirates on board hijacked vessels is considered to be an operational cost advanced by the investors, who subsequently reimburse themselves at vastly inflated rates (up to 300%).

[8] Market prices for *qaad* in Harardheere are reported as US$25/kg for *laari* (low quality) and US$50/kg for *caleynle* (higher quality).

Annex 5

Arms embargo violations

Annex 5.1.:
Case study: diversion of arms and ammunition from the Transitional Federal Government and affiliated militia

1. Despite AMISOM's oversight and TFG efforts at self-policing, ammunition continues to leak from the custody of TFG and militia commanders to the illicit market. The predominant perception in Mogadishu is that the TFG and pro-TFG forces sell between 1/3 to 1/2 of their ammunition.[1] While the Monitoring Group was unable to confirm this quantitatively, it observed a strong correlation between the ammunition issued to TFG and pro-TFG militia, ammunition sold in Bakaara market, and ammunition confiscated from Al-Shabaab. Between January and April 2011, the Monitoring Group undertook an evidentiary study to compare a total of 15 different varieties of 7.62x39, 7.62x54R, and 12.7x108 mm ammunition found in AMISOM stocks with 11 varieties of ammunition observed in Bakaara market and six varieties of ammunition that had been seized from Al-Shabaab.[2]

Table: Ammunition observed in Mogadishu January-April 2011

Calibre	Lot Number	AMISOM	Bakaara Market	Al-Shabaab
7.62x39	811_08	X	X	X(4)[3]
	323_03	X		
	322_02	X		
	61_77		X	X
	270_73		X	X
	81_07		X	
7.62x54R	AM_02	X	X	
	351_80	X		
	71_99	X	X	
	71_01	X	X	
	71_00	X		
	71_79	X		
	945_08	X	X	
	9611_78	X	X	
	071_704	X		
12.7x108	41_10	X	X	
	41_01	X	X	
	41_99	X		

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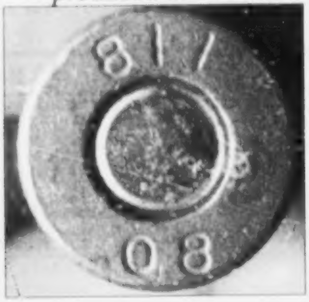
[1] Interviews with multiple governmental, military, and non-governmental sources in Mogadishu, Somalia January-April 2011.

[2] Between January and April 2011 the Monitoring Group recorded spent cartridges from AMISOM's firing ranges that AMISOM confirmed were not distinguished from their normal stocks. Three independent sources collected data on ammunition from a total of six different arms dealers in Bakaara market. The TFG and AMISOM granted the Monitoring Group access to ammunition confiscated from Al-Shabaab on the battlefield. Each variety of ammunition constitutes a specific lot number, or head stamp, comprising hundreds of samples.

[3] The Monitoring Group inspected four separate samples of this type of ammunition, totalling more than 1,000 rounds.

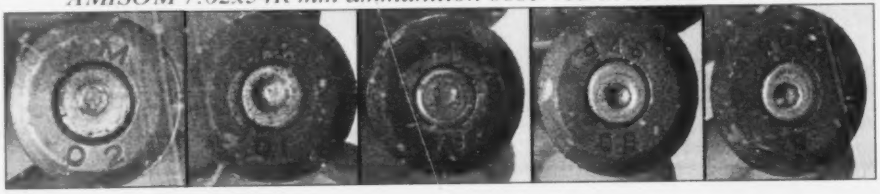
2. Of the 11 varieties of ammunition observed in Bakaara market, eight of them bore the same lot number as those found in AMISOM ammunition stocks. Moreover, among the six varieties of ammunition seized from Al-Shabaab, four were of the same lot number as AMISOM ammunition.[3]

3. The Monitoring Group observed three varieties of 7.62x39 mm ammunition in AMISOM stocks between January and April 2011. One particular lot number — Factory 811, produced in 2008 (811_08) — was the most common 7.62x39 round found in AMISOM stocks. Large quantities of this round of ammunition were observed in Bakaara market in February 2011. Moreover, the same lot number was identified in four separate samples of ammunition that had been confiscated from Al-Shabaab, including a sack of 1,000 rounds seized by TFG security forces from Al Shabaab defectors in January 2011.



7.62x39 mm Factory 811
produced in 2008

4. During the same time period the Monitoring Group documented nine varieties of 7.62x54R mm ammunition in AMISOM stocks. Observations in Bakaara market reveal that five out of these nine, totalling more than 1,000 rounds were present. The Monitoring Group was not able to chronicle Al-Shabaab-held 7.62x54R mm ammunition.



AMISOM 7.62x54R mm ammunition observed in Bakaara market

5. Further, the Monitoring Group identified three varieties of 12.7x108 mm ammunition (for heavy machine gun) in AMISOM stocks, and recorded the existence of large quantities of two of those three types of ammunition in Bakaara market. The most commonly observed 12.7x108 mm cartridge in AMISOM stocks was the Factory 41, produced in 2010 (41_10). Sources from within Bakaara market

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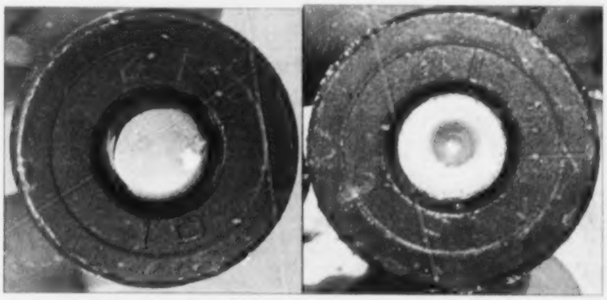
[3] Although the Monitoring Group observed matching lot numbers between samples, cross-contamination of ammunition in Bakaara market and Al-Shabaab samples due to non-TFG supply is a possibility, but unlikely in most cases considering the multiplicity of ammunition lot numbers that could have been imported from other sources.

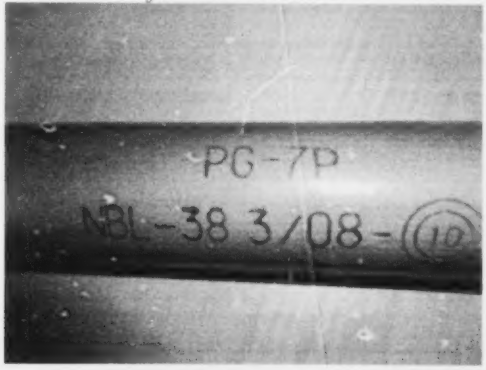
revealed that in April 2011 approximately 90% of all 12.7x108 mm ammunition being sold in Bakaara Market bore lot number 41_10.[4] Since this type of ammunition was produced in 2010, it is improbable that it would have reached Mogadishu, illegally, in such a short period of time. The prevalence of this variety of ammunition in AMISOM stocks together with its widespread availability in Bakaara market strongly suggests that it was diverted from within Mogadishu. The Monitoring Group did not inspect any Al-Shabaab held 12.7x108 mm ammunition.

12.7x108 mm Factory 41 produced in 2010, 2001



6. Lastly, on 14 February 2011 AMISOM forces confiscated an RPG launcher and its associated ammunition from Al-Shabaab during a takeover of one of its strongholds. The Monitoring Group has been unable to fully trace the RPG launcher and grenade warhead, but was able to confirm that the expulsion charge was produced in Bulgaria by VMZ Co. Sopot in 2008. In November 2009, an End-User Certificate for the item was issued by the Ministry of Defense of Uganda, stating that the delivery was carried out by DynCorp International, a contractor to the US Government. The item was then delivered to the UPDF in accordance with US Department of State Africa Peacekeeping Contract No. 5-LMAQM-03-C-0034.[5]

RPG Expulsion charge confiscated from Al-Shabaab



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[4] Interviews with confidential sources close to the arms trade in Mogadishu, Somalia April 2011.
[5] Letter of 28 March 2011 from the Government of the Republic of Bulgaria.

7. Since AMISOM and the TFG do not record serial numbers of items that are transferred from one party to the other, it is impossible to determine how this rocket part ended up in the hands of Al-Shabaab. However, experience suggests that this item was likely supplied by AMISOM to the TFG or one of its affiliated militias, and later sold illegally to an arms dealer, who in turn supplied it to Al-Shabaab.

Annex 5.2.: Bodyguard BM-518 receivers recovered in Somalia[1]

Serial Number	Location	Date Recovered
B10020202	Unknown, Somalia	01 August 2008
B02221102	Unknown, Somalia	01 September 2008
Not available	Unknown, Somalia	01 October 2008
A00002012	Unknown, Somalia	01 May 2009
D21201022	Galkayo, Somalia	29 April 2009
B10002211	Bur'o, Somaliland	23 July 2010
B11021110	Bur'o, Somaliland	23 July 2010
C12210000	Bur'o, Somaliland	23 July 2010
D21121122	Bur'o, Somaliland	23 July 2010
D21201010	Bur'o, Somaliland	23 July 2010
C12220001	Bur'o, Somaliland	23 July 2010
D21201101	Mogadishu, Somalia	10 August 2010
D22000120	Mogadishu, Somalia	10 August 2010
C12121121	Mogadishu, Somalia	10 August 2010
B10001002	Mogadishu, Somalia	10 August 2010
C11200010	Mogadishu, Somalia	10 August 2010
B10221122	Mogadishu, Somalia	10 August 2010
Not available	Mogadishu, Somalia	10 August 2010
C12122102	Mogadishu, Somalia	10 August 2010
B02112111	Mogadishu, Somalia	10 August 2010
Not available	Mogadishu, Somalia	30 September 2010
A00022110	Mogadishu, Somalia	15 October 2010
A00021111	Mogadishu, Somalia	15 October 2010
C12211011	Mogadishu, Somalia	15 October 2010
Not available	Galgala, Puntland	20 October 2010
Not available	Galgala, Puntland	20 October 2010
Not available	Galgala, Puntland	20 October 2010
Not available	Galgala, Puntland	20 October 2010
Not available	Galgala, Puntland	20 October 2010
Not available	Galgala, Puntland	20 October 2010
Not available	Galgala, Puntland	20 October 2010
Not available	Galgala, Puntland	20 October 2010
Not available	Galgala, Puntland	20 October 2010
Not available	Galgala, Puntland	20 October 2010
Not available	Galgala, Puntland	20 October 2010
B11010112	Bula Hawa, Somalia	27 October 2010
D22220121	Mogadishu, Somalia	30 November 2010

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[1] This list includes BM-518 receivers recorded by the Monitoring Group and another agency that conducts analysis of IEDs. It is not exhaustive.

D22110111	Mogadishu, Somalia	15 December, 2010
D22202221	Mogadishu, Somalia	11 January 2011
D22200111	Mogadishu, Somalia	13 January 2011
A00000210	Mogadishu, Somalia	25 February 2011
B11022222	Mogadishu, Somalia	06 March 2011

Annex 5.3.: Aviation

Annex 5.3.a.: List of Somali Airfields controlled by armed opposition groups[1]

AIRFIELD	SURFACE	LENGTH	REGION	DISTRICT	ICAO/CACAS CODE
AFMADOW	Loose black soil	700	LOWER JUBA	AFMADOW	HCAM
BAIDOA	Asphat-deteriorating	3000	BAY	BAIDOA	HCMB
BALEDOGLE	Asphalt	2482	LOWER SHABELE	WANLA WEYN	HCIX
BARDERA	Gravel	1277	GEDO	BARDERA	HCMD
BUALE	Red clay	1000	MIDDLE JUBA	BUALE	HCBU
BURDUUBO	Murram gravel like soil	1000	GEDO	GARBAHARE	
BUULO BURTI	Murram gravel like soil	1000	HIRAN	BULO BURTI	
DAYNILE	Smooth gravel/sand	1800	BANADIR	MOGADISHU	HCDE
DINSOR	Red sandy soil	800	BAY	DINSOR	HCDN
DOLO	Loose Gravel	900	GEDO	DOLO	
EL BERDE	Compact Red soil	885	BAKOL	EL BARDE	
EL BUR		1600	GALGADUG	EL BUR	HCML
ELDERE	Murram gravel like soil	800	GALGADUG	EL DER	HCED
ESALEIGH		2400	BANADIR	MOGADISHU	HCMT
GABAHAREY	Murram gravel like soil	1000	GEDO	GARBAHARE	HCGH
GIALALASSI	Dirt	1000	HIRAN	JALALAQSI	
HARADERA	Sand and Dirt	1000	MUDUG	HARARDHERE	
HODDUR		1200	BAKOL	HUDUR	HCHO
JAMAMME	Hard packed coral	900	LOWER JUBA	JAMAME	HCJM
JILIB		1100	MIDDLE JUBA	JILIB	HCJL
JOWHAR	Loose Gravel	1800	MIDDLE SHABELE	JOWHAR	HCJH
KISMAYO	Asphalt	3700 (-450)	LOWER JUBA	KISMAYO	HCMK
K50	Hard Packed Sand	1850	LOWER SHABELE	AFGOYE	HCMW
LUQ	Dirt surface	1000	GEDO	LUUQ	
MARERRE	Murram gravel like soil	1092	MIDDLE JUBA	JILIB	
MERKA	Coral Sand/gravel	1600	LOWER SHABELE	MARKA	HCEM
QUANSADERE	Red Soil	1500	BAY	QANSAH DERE	
SACCO UEN	Red Clay	1000	MIDDLE JUBA	SAKOW	HCSU
TIEGLO	Hard Gravel		BAKOL	TIEGLO	HCTY
WAJID	Packed sandy gravel	1400	BAKOL	WAJID	HCWJ

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[1] Source: ICAO, WFP, FAO/FSAU
Nota bene: At the time of writing, TFG-aligned militias had taken-over GABAHAREY, DOLO and LUQ airfields

Annex 5.3.b.:
Survey of civil aviation movements during Al-Shabaab's 'Ramadan Offensive'

1. During Al-Shabaab's Mogadishu 'Ramadan Offensive' of August/September 2010, the Monitoring Group received specific and credible reports of alleged arms deliveries by air to Al-Shabaab. At the same time, the Monitoring Group observed an increase in the number of cargo flights to Somalia from Yemen.

2. On 3 September 2010, a credible source with reliable contacts on the ground indicated that two aircraft had landed in Kismayo with military equipment.[1] The next day, a UN confidential internal report mentioned that a "big plane" carrying weapons and ammunitions for Al-Shabaab landed in Kismayo. Both reports — neither of which could be independently verified — cited Eritrea as the origin of the flights.

3. The Monitoring Group has received further credible, detailed and specific information from a former Shabaab commander with residual contacts to the movement,[2] whose report has been corroborated and elaborated on by an intelligence official,[3] that three days later, on 6 September 2010, an aircraft offloaded weapons and ammunition at Kismayo airport. The cargo was reportedly loaded on seven trucks, six of which were destined to Al-Shabaab's Maslah camp in Mogadishu. Given the size of the convoy, it appears that the alleged consignment would have been delivered by a wide-body cargo aircraft, capable of carrying about 50 MT.

4. In an attempt to better understand civil aviation movements during the 'Ramadan Offensive', and possibly to verify some of these reports, the Monitoring Group conducted a survey of flight plans submitted to the Civil Aviation Caretaker Authority for Somalia (CACAS) during this period. The findings are as follows:

V-Berd Aviation

5. This aviation company, owned by South Airlines Co. and based in the Sharjah Airport International Freezone (SAIF), operated five flights to Somalia between 11 August and 9 September 2010 according to CACAS. Two Ilyushin Il-76 bearing registration EK-76592 and EK-76021 transported cargo to Somalia at this time. According to documentation provided by South Airlines main office at the SAIF, the cargo comprised mainly medicines and electronics. Since the end of October 2010, South Airlines and its affiliate companies have provisionally ceased operations to Somalia.[4]

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[1] Interview with a former Nairobi-based security adviser on Somalia, 25 November 2010.

[2] Interview, Mogadishu, 16 December 2010.

[3] Interview, October 2011.

[4] Interview with South Airlines manager, Sharjah, 14 December 2010, and with South Airlines Director General, Sharjah, 22 February 2011.

Mega Aircompany

6. Mega Aircompany, a company registered in Kazakhstan, and which operates a Boeing B-727 Cargo aircraft bearing registration number UP-B2702 in Somalia, provided the Monitoring Group with flight reports and cargo manifests. According to CACAS data, "Mega Air" operated 25 flights to, from or within Somalia between 26 August and 22 September 2010. It appears from these records that the cargo offloaded in different Somali airports authorized by CACAS consisted principally of textiles and shoes.[5]

Air Victory Georgia

7. Registered in Georgia and Sharjah, Air Victory Georgia operates from Djibouti and Entebbe an Antonov An-12 bearing registration 4L-IRA. According to flight plans submitted to CACAS, "Air Victory" operated 20 flights to, from or within Somalia, including Hargeysa, Galkaa'yo, and Mogadishu, between 3 August and 23 September 2010. Despite two official requests sent to the company, no reply has been forthcoming.[6]

8. In addition, the Monitoring Group has identified several gaps in the flight plans submitted by Air Victory Georgia to the CACAS. For example, the above-mentioned An-12 flew from Entebbe to Hargeysa on 3 August 2010, and then from Mogadishu to Djibouti on 17 August 2010. There are indeed no records for any movement for a period of two weeks, considering that at least one flight should be recorded from Hargeysa to Mogadishu. Moreover, similar observations have been made throughout the period under scrutiny.

Examples of incomplete flight plans submitted by Air Victory Georgia to CACAS

Date	Flight No	Aircraft	Registration	From	To
2010/08/03	GVI5555	AN12	4LIRA	HUEN	HCMH
2010/08/17	GVI5555	AN12	4LIRA	HCMM	HDAM
2010/08/17	GVI5555	AN12	4LIRA	HDAM	HCMH
2010/08/23	GIV5555	AN12	4LIRA	HCMM	HDAM
2010/08/23	GIV5555	AN12	4LIRA	HDAM	HCMH
2010/08/26	GIV5555	AN12	4LIRA	HCMR	HDAM
2010/08/26	GVI5555	AN12	4LIRA	HDAM	HCMH
2010/08/29	GIV5555	AN12	4LIRA	HCMM	HDAM
2010/08/29	GIV5555	AN12	4LIRA	HDAM	HCMH
2010/09/02	GVI5555	AN12	4LIRA	HCMM	HDAM
2010/09/02	GIV5555	AN12	4LIRA	HDAM	HCMH

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[5] Reply by Mega Aircompany referenced S/AC.29/2011/SEMG/OC.104.

[6] The Monitoring group also attempted to visit their premises in Sharjah on 14 December 2010, which were closed down.

2010/09/06	GVI5555	AN12	4LIRA	HCMM	HDAM
2010/09/06	GVI5555	AN12	4LIRA	HDAM	HCMH
2010/09/09	GVI5555	AN12	4LIRA	HDAM	HCMH
2010/09/09	GIV5555	AN12	4LIRA	HCMR	HDAM
2010/09/22	GIV5555	AN12	4LIRA	HCMH	HDAM

HUEN: Entebbe, Uganda / HDAM: Djibouti / HCMM: Mogadishu International Airport / HCMH: Hargeysa, Somalia / HCMR: Galkaa'yo, Somalia

9. As a result of this suspicious activity and failure to cooperate, the Monitoring Group recommends that Air Victory Georgia and its Antonov An-12 bearing registration 4L-IRA be placed under close scrutiny in the future.

Galex Guinée

10. On 5 September 2010, according to flights plans registered by CACAS, an Antonov An-26 operated by Galex Guinée and bearing registration number 3X-GFD allegedly flew from Ryan-Mukalla to Bosaaso, Puntland. However, official records obtained from the Guinean Civil Aviation Authority in Conakry indicates that Galex Guinée has been deregistered as a certified air operator since 6 December 2007. This was confirmed to the Monitoring Group by one of the main shareholders of another Guinean incorporated company, called Brise Air, whose current business associate used to co-own Galex Guinée.[7] Brise Air owns a fleet of An-26 aircraft, including the 3X-GFD in question, which it sub-leased to a Sharjah based company called Skyline Air Limited, which could not be reached.

11. The Monitoring Group has since learned of another An-26 bearing Guinean registration, 3X-GEL (which was removed from the registries by Guinean authorities on 13 July 2009) was also flying to Somalia from Ryan-Mukalla in March 2011, allegedly operated by Galex Guinée.

12. As a result of this suspicious activity and failure to cooperate, the Monitoring Group recommends that Galex Guinée and its fleet of aircraft be placed under close scrutiny in the future.

13. The Monitoring Group's survey of cargo flights recorded by CACAS provided no conclusive evidence to substantiate reports of arms deliveries by air into Al-Shabaab controlled areas. It did, however, demonstrate that even in airports controlled by responsible authorities, such as Hargeysa and Mogadishu, operators without proper registration, airworthiness certificates or even genuine flight plans are taking advantage of the absence of controls, and operating without restriction.

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[7] Interview with Tehnoer general director, Dubai, 23 February 2011

Annex 5.4.: Case study: man-portable air defence systems in Somalia — how great is the threat?

1. Man-portable air defence systems, or MANPADS, are surface-to-air missiles intended for use against low-flying aircraft. Most models utilize an infrared (IR) homing device that locks onto aircraft at altitudes ranging from 2,000-8,000 meters, depending on the model. There are approximately 500,000-750,000 MANPADS in existence worldwide. While the vast majority of these are secured in state stockpiles, estimates suggest that more than 10,000 missiles are currently circulating among non-state actors.[1] Since the 1970s, more than 40 civilian aircraft have been hit by MANPADS, resulting in more than 800 deaths. Although governments are undertaking efforts to stem the illicit proliferation of MANPADS, they currently remain in the hands of about 25 non-state armed groups, including Al-Shabaab.[2]

2. Decades of lawlessness together with unimpeded arms trafficking to and throughout its territory have made Somalia no exception to the threat of MANPADS. According to open source databases and several testimonies, Somalia has received at least 450 MANPADS since the mid-1970s.[3] The majority of these have been used, sold on, or are no longer serviceable.[4] An attack on a Belarusian TransAVIAexport Airlines Ilyushin Il-76 aircraft on 23 March 2007 marks the only confirmed successful MANPADS attack during the current crisis.[5] Al-Shabaab has claimed that a surface-to-air missile was also used to shoot down an Ethiopian helicopter above Mogadishu on 30 March 2007, but the Monitoring Group has not been able to confirm this.[6] Lastly, AMISOM neutralized an Al Shabaab fighter near the airport in Mogadishu in October 2008 before he was able to fire an SA-7b.[7] Although there have been no known attempts to employ MANPADS since 2008, evidence gathered by the Monitoring Group suggests that a number of MANPADS still remain in circulation in Somalia. There are two types of MANPADS in Somalia: the SA-7b Grail and SA-18 Grouse.[8] While the two missiles have similar effective ranges, the SA-18 travels much faster, has a more advanced guidance system and contains a more powerful warhead.

3. During an Al-Shabaab rally on 21 October 2010 at the Maslah Compound in Mogadishu commemorating Sheikh Mustafa Abu Yazid, an Egyptian born Al Qaeda leader, who had been reported killed in May 2010 by a US missile air strike, Al-Shabaab displayed four SA-7bs, or variants thereof.

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[1] The number of MANPADS in circulation has increased since conflict erupted in Libya, where hundreds, if not thousands, of MANPADS were pilfered from state stockpiles. Presentation at "Bilateral MANPADS and Brokering Seminars", 13 April 2011, Nairobi, Kenya.

[2] Berman, E, Schroeder, M, and Jonah Leff. "Research Notes: Man-Portable Air Defence Systems (MANPADS)." *Small Arms Survey*. January 2011. See also Eric G. Berman and Jonah Leff, "Light Weapons: Products, Producers, and Proliferation," Small Arms Survey 2008: Risk and Resilience, Cambridge: Cambridge University Press, pp. 7-41.

[3] 08 April 2011, accessed at http://armstrade.sipri.org/armstrade/page/trade_register.php

[4] The average shelf life of a MANPADS is approximately 20 years, and can be considerably less if not stored in proper conditions.

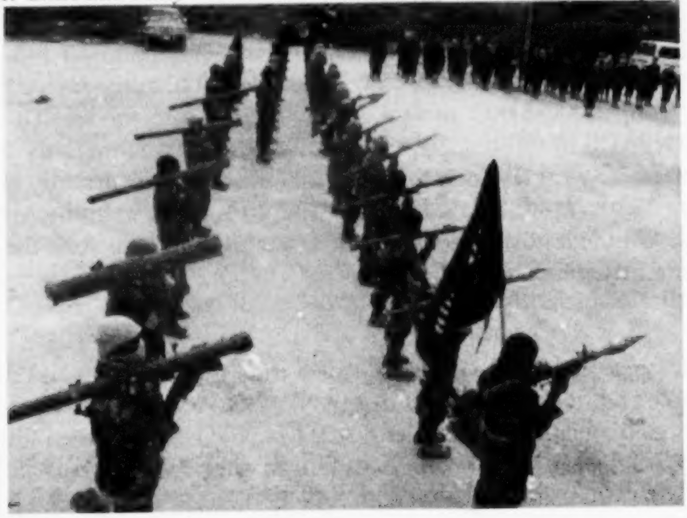
[5] Report of the Monitoring Group on Somalia, S/2007/436, 18 July 2007.

[6] Interviews with sources in Mogadishu, Somalia, January-April 2011.

[7] Report of the Monitoring Group on Somalia, S/2010/91, 10 March 2010.

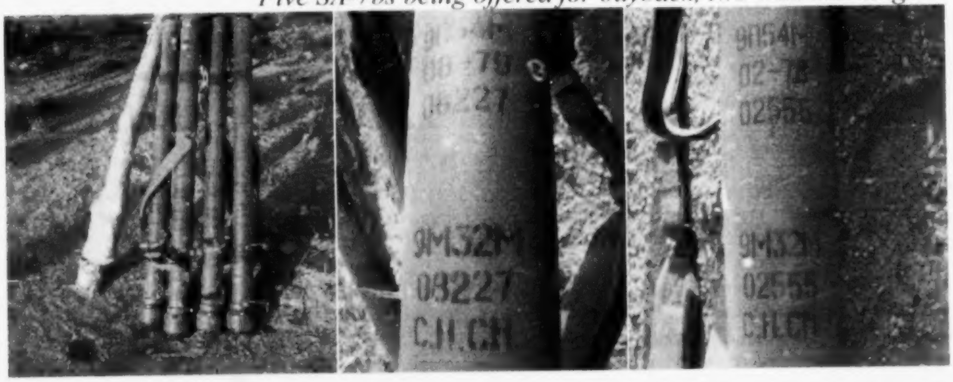
[8] SA-7b Grail and SA-18 Grouse are the US and NATO designations for the weapon. The Russian designation is 9K32M Strela-2M and 9K38 Igla, respectively.

Al-Shabaab rally on 21 October 2010 with SA-7bs on display



4. In September 2010, the Monitoring Group received a message via an intermediary, stating that a group of Al-Shabaab militia near 'Eel Buur in central Somalia was in possession of six MANPADS that they were looking to sell to an interested government. Photographs attached to the message, however, only reveal five missiles — SA-7bs — manufactured in the Soviet Union in the late 1970s. A western government received a similar request in June 2010, but allegedly via ASWJ, requesting US$200,000 for the missiles.[9] This discrepancy together with several oral testimonies regarding these MANPADS reveal that they are most likely in the possession of an arms dealer shopping them around for bidders.[10] Because these missiles have been in circulation for more than 30 years, there is no guarantee that they are still functional, which may explain the seller's intention to dispose of them.

Five SA-7bs being offered for buyback, two with markings



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[9] Interview with western diplomatic source in Nairobi, Kenya on 19 November 2010.

[10] Interviews with various diplomatic and military sources January-April 2011.

5. In its March 2010 report the Monitoring Group provided preliminary details about 10 SA-7b MANPADS that had been confiscated from an arms dealer in Hargeysa, Somaliland. The weapons were reported to be part of an overall consignment of 25 missiles that were delivered by air from Eritrea to Guuri'eel in Central Somalia in April 2008. In contrast, various sources claim that these missiles remained in Somalia from the time of Siad Barre, having leaked out of State control following his demise. The Monitoring Group has not received sufficient evidence to support either claim. It has confirmed, however, that an arms dealer transported ten missiles to Hargeysa, while the rest reportedly remained with another arms dealer in Harardhere. The Monitoring Group inspected eight SA-7bs and their associated thermal batteries in November 2010 in Harar, Ethiopia, that had been confiscated from the arms dealer in Hargeysa (see annex 5.4.b). Coincidentally, four out of the eight missiles bear the same manufacturing marks as the SA-7bs that were attached to the buyback letter (described above). It is conceivable, therefore, that the five SA-7bs included in the buyback letter were part of the original consignment of missiles confiscated in Hargeysa.

6. The Monitoring Group requested export records on the above SA-7bs in November 2010. Russia confirmed that 10 of the SA-7bs described above were produced in the then USSR at the Degterev Plant in 1973-1979, but that "the appropriate inventory is not available."[11]

7. The Monitoring Group inspected three SA-18s that the Ethiopians had confiscated from Al-Shabaab in 2007 and 2008 (see annex 5.4.b). One of the SA-18s bearing the marks '9П39-1, 03-95, 03267' is in sequence with an SA-18 with marks '9П39-1, 03-95, 03268' recovered by AMISOM in 2008. Russia has confirmed that the two missiles were exported to Eritrea as a pair in the same box as part of an order in 1995.[12] The fact that they were packaged together in the same crate suggests that the two missiles were probably also delivered to Somalia as a pair. Russia further stated that markings on the other two missiles resemble those produced in Russia, but that the missiles were later re-marked, making it impossible to verify the origin.[13]

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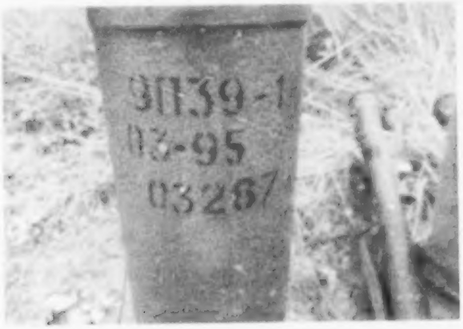
[11] Letter of 26 April 2011 from the Russian Federation.

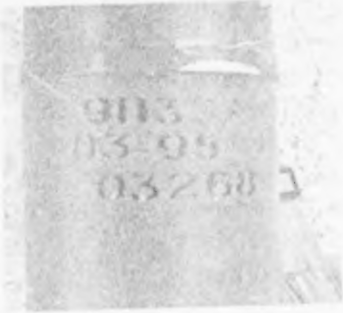
[12] Letter of 26 April 2011 from the Russian Federation

[13] The consignment markings on the upper launch tube are '04-94' and '02-97', respectively. Russia, however, states that consignment '04-94' should read '04-94-2', and '02-97' should read '02-97-2'. Additionally, the marking '9П39' on the upper tube should read '9П39-1.' Letter of 26 April 2011 from the Russian Federation.

SA-18 confiscated in Hargeysa in 2009



SA-18 recovered in 2008



Analysis

8. The MANPADS under review in this section only represent a small sample of the overall MANPADS population in Somalia. While it is impossible to determine the exact number of MANPADS in circulation, information obtained from intelligence and military sources suggest that there exists a sufficient number available to pose a significant threat to aviation assets in Somalia.[14] One Western military official working on the issue estimates that there are up to a dozen MANPADS in Mogadishu alone,[15] which, if employed from the perimeter of Aden Adde International Airport, could have catastrophic results. The Monitoring Group recommends that law enforcement and security officials remain vigilant and cognizant of the threat that MANPADS pose in Somalia.

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[14] Interviews and electronic correspondence with diplomatic and military sources, January-April 2011.

[15] Interview with military arms expert on 1 March 2011

Annex 5.4.a.:

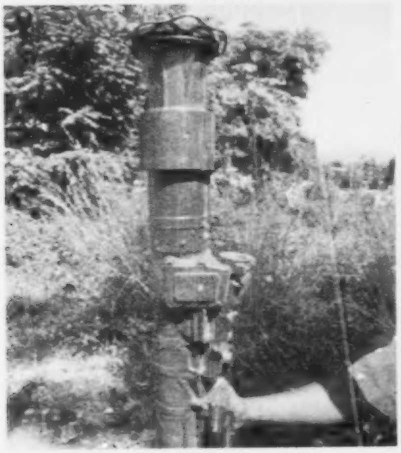
List and photographs of man-portable air defence systems and battery coolant units inspected in Harar, Ethiopia, November 2010

Item number	Item Type	Markings
1	9P54M/9M32M	Launcher: 9П54М, 12-73-2, 121003 Missile: 9M32M, 121003, ОФК
2	9P54M/9M32M	Launcher: 9П54М, 03-73-2, 03267 Missile: 9M32M, 03267, ОФК
3	9P54M/9M32M	Launcher: 9П54М, 11-76-2, 11375 Missile: 9M32M, 11375, ОФК
4	9P54M/9M32M	Launcher: 9П54М, 07-77, 07116 Missile: 9M32M, 07116, ОФК
5	9P54M/9M32M	Launcher: 9П54М, 01-78, 01633 Missile: 9M32M, 01633, C.H.CH.
6	9P54M/9M32M	Launcher: 9П54М, 01-78, 01384 Missile: 9M32M, 01384, C.H.CH.
7	9P54M/9M32M	Launcher: 9П54М, 11-78, 11125 Missile: 9M32M, 11125, C.H.CH.
8	9P54M/9M32M	Launcher: 9П54М, 08-79, 08347 Missile: 9M32M, 08347, C.H.CH.
9	9P39-1/9M39	Launcher: 9П39-1, 04-94, 04370 Missile: 9M39, 04-94, 04370, 04-94, HE FUZED
10	9P39-1/9M39	Launcher: 9П39-1, 03-95, 03267 Missile: 9M39, 03-95, 03267, 03-95, HE FUZED
11	9P39/9M39	Launcher: 9П39, 02-97, 021577 Missile: 9M39. 02-97-2, 021577, 02-97-2, 0-Ф, 0K.CHAP.

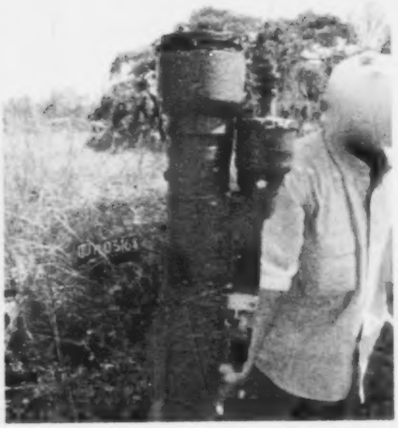
Thermal Batteries	Serial Number(s)
9Б17	47203051053
9Б17	47311285082
9Б17	47507197009
9Б17	7711327065
9Б17	7711327045
9Б17	7808241027
9Б17	7808241036
9Б17	7703062027
9Б17	7902053025
9Б17	7703062028
9Б17	7902046044
9Б17	7709053036
9Б238	2-11-1809, 11-97-1
9Б238	2-11-2523, 11-97-1
9Б238	06-146, 04-95-1
9Б238	06-128, 04-95-1
9Б238	06-106, 04-95-1
9Б238	08-146, 04-95-1

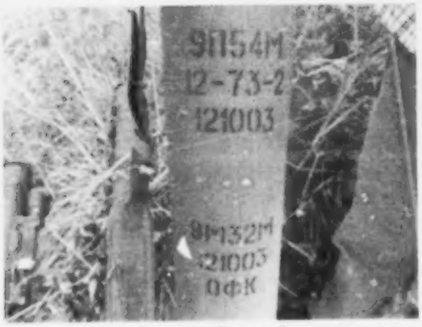
Launchers

SA-18



SA-7b

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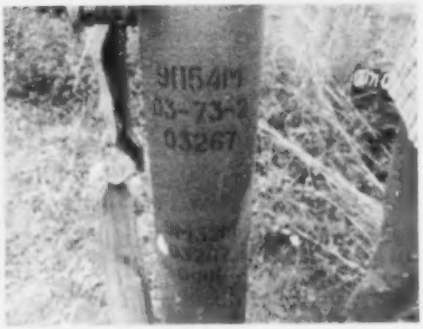
ОФК

Item 1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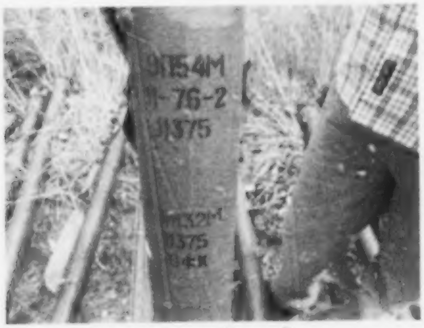
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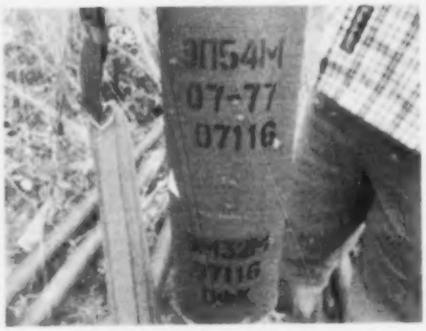
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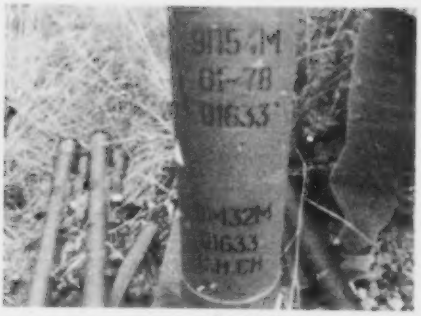
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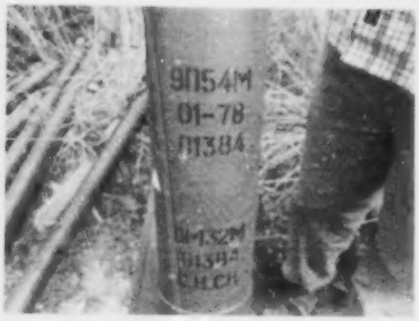
Item 5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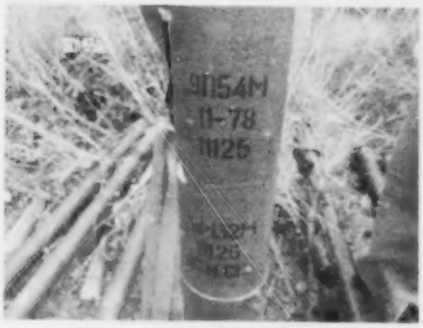
Item 6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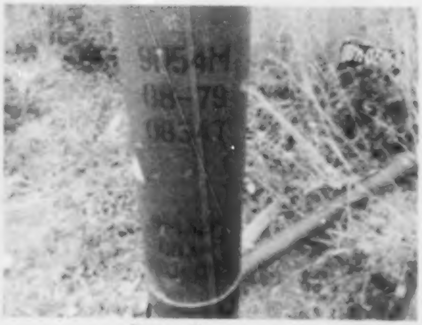
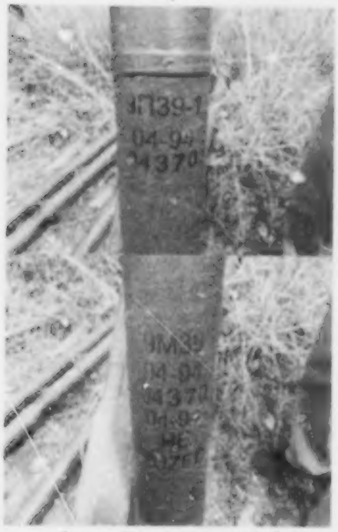


Item 8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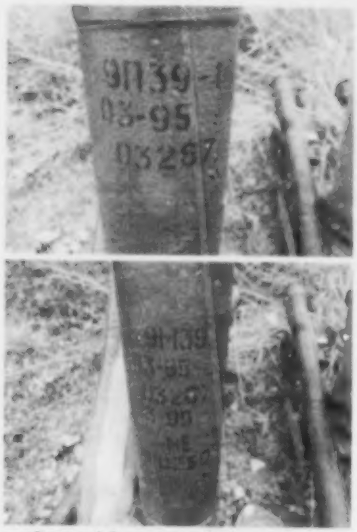
Item 9 upper & lower markings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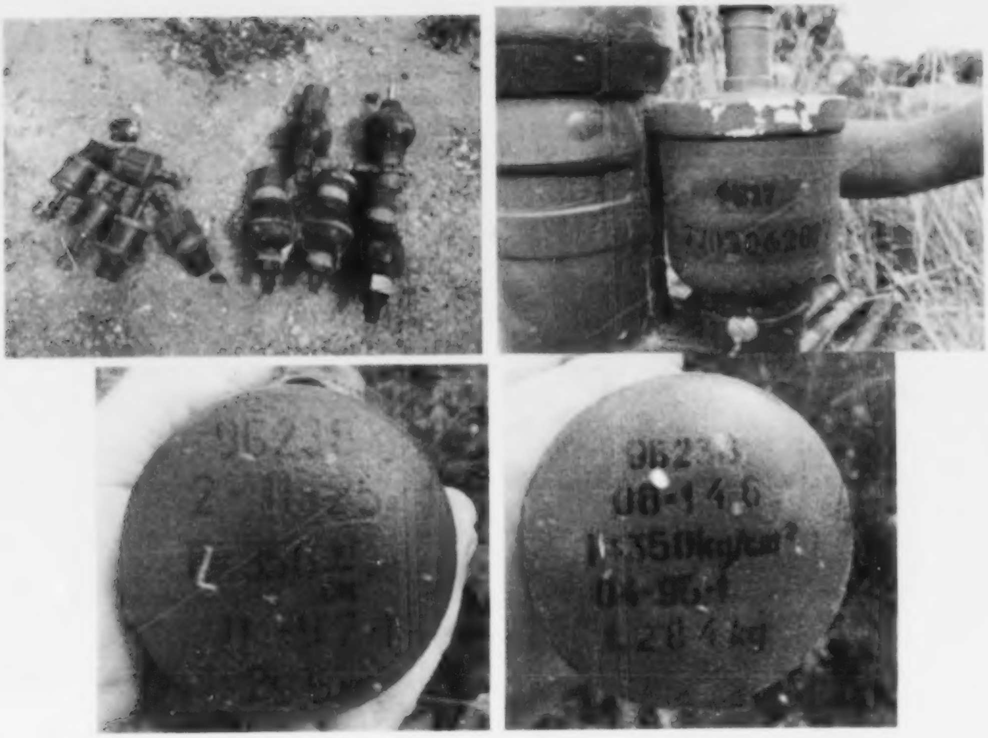
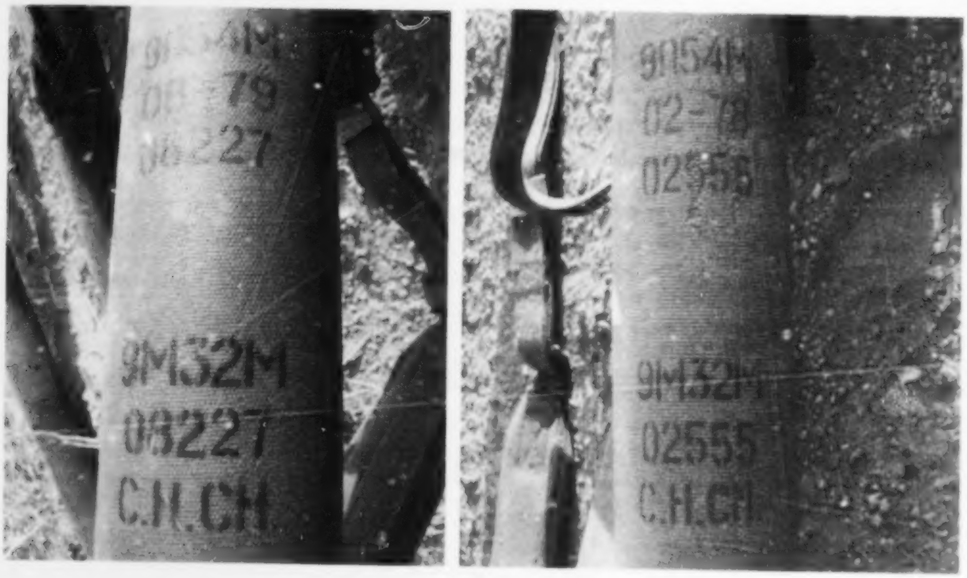
Item 10 upper & lower markings

Item 11 upper & lower markings

Assorted BCUs



Annex 5.4.b: Markings of two SA-7b launchers from buyback request


79
08227
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08227
C.H.CH
9П54М
02-78
02555
9M32M
02555
C.H.CH

Annex 5.5.: Non-compliant States and organization

France

1. The International Civil Aviation Office (ICAO) Civil Aviation Caretaker Authority for Somalia (CACAS) recorded one flight conducted by a De Havilland DHC-6, bearing registration FR-ACD and operated by the "Commandement du Transport Aérien Militaire (COTAM)", in Somalia on 3 September 2010. A second flight, operated by the "Marine Nationale" with an unregistered PUMA helicopter, took place on 14 October 2010.

2. The Monitoring Group is unaware of any notification to the Security Council Committee on Somalia and Eritrea concerning French military operations in Somalia, and on 13 April 2011 sent a letter to the Government of France requesting clarification and additional information.

3. According to information provided by the French government to the Monitoring Group, the first flight operated from Djibouti to Mogadishu was intended to assess Mogadishu land strip and airport facilities, while the helicopter flight from Djibouti to Hargeysa was related to an official visit to Somaliland.

Kenya

4. As described in the Monitoring Group's March 2010 report, the Kenyan Government has engaged in the training and support of Somali forces intended to confront Al-Shabaab in the Juba Valley and establish a secure buffer zone along its border with Somalia.[1] Although initially established with the endorsement of the TFG, and therefore eligible for external assistance, in the absence of authorization from the Committee, the "Jubaland Initiative", as it became known, was cited by the Monitoring Group as a technical violation of the arms embargo.

5. In March 2011, as part of a regional strategy to coordinate attacks against Al-Shabaab positions in south central Somalia, the Government of Kenya provided assistance to 'Jubaland' forces in conducting incursions in the town of Dhobley. According governmental sources, artillery for these incursions was provided by the Kenyan military, which included military helicopters to provide air support.[2]

6. By April 2011, the "Jubaland Initiative" appeared to have been subsumed by "Azania", a self-proclaimed authority established with Kenya's blessing and headed by former TFG Minister of Defence, Mohamed Abdi Mohamed "Gandhi". In early April 2011, forces loyal to "Gandhi", and Ahmed Madobe of the Ras Kamboni forces, armed with "technicals" reportedly provided by the Government of Kenya, launched an offensive to take the town of Dhobley.[3]

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[1] S/2010/91, paragraphs 204-208.

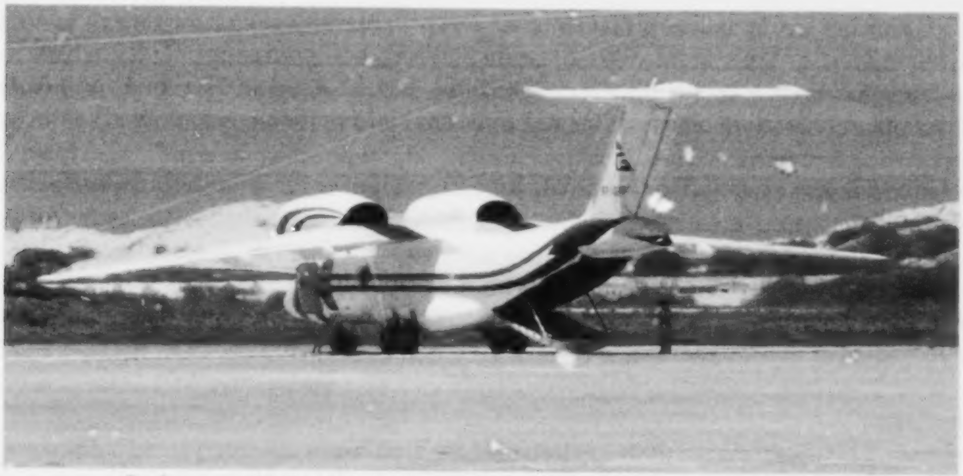
[2] Communication with military source, May 2011.

[3] Communication with military source, May 2011.

7. In the absence of Committee authorization, any Kenyan support for the "Azania" forces continues to constitute a technical violation of the arms embargo.

Sudan

8. On 8 April 2010, a group of TFG recruits landed at Mogadishu International Airport from Khartoum after a training course. They travelled in an Antonov An-74 bearing registration ST-GFF operated by the Government of Sudan.



Sudanese AN-74 (ST-GFF) at Mogadishu International Airport on 8 April 2011.

9. CACAS records show that four Sudan military flights to Mogadishu International Airport took place between 10 October 2010 and 5 February 2011, AN-74 ST-GFF and another AN-74 aircraft bearing registration ST-BDT.

10. The Monitoring Group is unaware of any notification to the Security Council Committee on Somalia and Eritrea concerning this training programme, and on 13 April 2011 sent a letter to the Government of the Sudan requesting clarification and additional information. No reply has been forthcoming.

United States

11. CACAS records show that three flights into Somalia were conducted by "US Air Mobility Command" between 26 July 2010 and 23 November 2010. All of these flights were conducted with an unregistered Beechcraft C-12 Huron and a CASA CN-235 aircraft (registration N-66042).

12. A company called "Prescott Support Co", which is allegedly linked to the US Government,[4] has conducted 13 flights to Somalia with a Lockheed L-100-30 (382G) bearing United States registration N-3755P between 14 September 2010 and 20 February 2011.

13. Another operator, "RAM Services", leasing aircraft owned by ""S3B Leasing LLC", based in Alexandria, Virginia, and possibly linked to the United States Government, also conducted 17 flights to Somalia with a Saab 340 bearing US registration N-703RS between 27 October 2010 and 24 February 2011.

14. The Monitoring Group believes that some of these flights may have been related to United States Government support to Somali security sector institutions, but is unaware of any notification to the Security Council Committee on Somalia and Eritrea, and 12 April 2011 sent letters to the United States Government requesting clarification and additional information concerning all of these flights.

15. The United States government acknowledged in a letter to the Monitoring Group dated 1 June 2011 that 31 of the above-mentioned flights were related to US assistance to the security sector in Somalia. Although the US government received authorization from the Committee on 9 March 2011 to provide the TFG National Security Forces with military equipment and assistance, the information provided in the letter was not sufficient to permit the Monitoring Group to determine whether these flights were related to that exemption.

United Nations

16. The United Nations system, like the European Union, is engaged in a range of programmes and projects involving support to Somali security sector institutions. In resolution 1916 (2010), the Security Council decided that the notification and authorisation requirements described in paragraphs 11 (b) and 12 of resolution 1772 (2007) "also apply to supplies and technical assistance by international, regional and subregional organizations".[5]

17. The Monitoring Group has obtained additional information concerning a training course for TFG intelligence personnel provided in Uganda by a Ugandan private security company in November/December 2009, financed by the United Nations Trust Fund for Somalia and administered by the United Nations Political Office for Somalia (UNPOS), which was cited in the Group's March 2010 report as a technical violation.[6]

18. The intelligence training was in fact part of a broader, US$500,000 project entitled "Security Sector Development" conducted under the auspices of UNPOS senior political officer Bruno Mpondo-Epo through October 2010.

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[4] European Parliament, Temporary Committee on the alleged use of European countries by the CIA for the transport and illegal detention of prisoners, Working document n°8, 16 November 2006, p.16

[5] S/RES/1916 (2010), paragraph 3

[6] See S/2010/91, paragraphs 215 and 216

19. According to the memorandum of understanding signed by UNPOS and disbursements vouchers, US$86,525 was paid in two instalments to a Ugandan company called Captiva Communication Ltd., also known as Captiva Marketing. The first component of the project consisted of a 15-day advanced security course on a range of topics for 15 Somali officers of the TFG National Security Agency in November 2009.[7] The second component of the project involved US$188,213 of technical assistance to the TFG, including a consultancy for the Ministry of Internal Security and funding for a Joint Security Committee (JSC) liaison office at the Somali Embassy in Nairobi, Kenya — 70 per cent of which was disbursed directly to the Somali Embassy.

20. As part of this project, General Patrick Karegyeya, former director of the Rwandan intelligence service, was awarded a 6-month contract as consultant to the Somali Ministry of National Security. In this capacity he sent a memorandum to the Minister describing his efforts to "source for security companies in South Africa operating above board and legally that would provide the required capacity on contractual basis". Their mandate would be to train security services, army and police, but also "to carry out operations aimed at securing and protecting the civilian population and government institutions" in "exceptional circumstances". In other words, he was seeking to identify PSCs to train TFG security forces and conduct military operations in Somalia, which would have been funded by the United Nations.

21. No authorisation from the Committee was sought or obtained by UNPOS for this project, which is currently subject to internal scrutiny.

22. In a separate case, a training course for 500 Somali TFG Police trainees commenced in Djibouti on 17 January 2011 under UNPOS auspices. The project is funded by a US$10 million contribution from the government of Japan to the UN trust fund for the Somalia security sector. According to UNPOS, this project includes also "the procurement of equipment and vehicles, the construction of eight police stations and payment of stipends". No authorization from the Committee has been sought or obtained.

23. On 27 May 2011, the Security Council Committee on Somalia and Eritrea has approved the ongoing training activities of 500 Somali police officers. UNPOS has also been informed that in the future arms embargo exemption requests need to be submitted prior to the commencement of project activities.

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[7] "Training report submitted to UNPOS", 4 December 2009; the Monitoring Group has also obtained evidence that one of the trainers was a Saracen International (Uganda) employee.

Annex 6

Private security companies

Annex 6.1.: Private security companies operating in Somalia

1. The activities of private security companies (PSCs) represent a disturbing evolution with respect to violation of the general and complete arms embargo on Somalia. This trend has accelerated during the course of the Monitoring Group mandate, as a growing number of companies are now providing onshore security services, including support to AMISOM, support to the Transitional Federal Government and Puntland administration, and protection for private enterprises.

2. The Monitoring Group has engaged directly, during the course of its mandate, with numerous key actors from the private security sector currently deployed or planning to begin operations in Somalia. Few of these actors are aware of the implications of the arms embargo for their operations, especially in the context of support to Somali security sector institutions, or the training of private local security personnel.

3. In its March 2010 report, the Monitoring Group noted the absence of any provision for private security companies to obtain exemptions under resolution 1772 (2007), stating that this "creates ambiguities with respect to their compliance with the arms embargo." These ambiguities, however, relate only to the question of which authority may request an exemption from the Committee on a private security company's behalf — not whether an exemption is required. As noted in the Monitoring Group's March 2010 report, there is an urgent need for greater clarity this issue.[1] In the meantime, the Monitoring Group believes that the Committee should not permit this lacuna to be exploited by PSCs or their financiers as a loophole for circumventing the arms embargo or any other aspect of the sanctions regime.

4. The most egregious violations of the arms embargo during the Monitoring Group's current mandate were committed by the Hong Kong-registered company Southern Ace, and by the Lebanese-registered company Saracen International, together with affiliated companies registered in South Africa, Australia and Uganda. Case studies on these two companies are attached in Annexes 6.2 and 6.3 respectively.

5. Other PSCs currently active in Somalia include the following:

International Stability Operations Association (ISOA)

6. ISOA, formerly named International Peace Operations Association (IPOA), is a Washington DC based association which represents key actors of the "stability operations industry", including mainly private military (e.g. Blackwater USA until 2007) and logistics corporations. Founded and directed by Doug Brooks,[2] it acts as a lobbying group whose promotes its members among decision makers in Washington, through "governmental advocacy", engaging "key actors involved in the resolution

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[1] S/2010/91, paragraph 156.

[2] Author of many articles promoting private security companies, e.g. "Write a cheque, end a War", Conflict Trends, n°6, July 2000, "Forum: the dogs of peace", Post-Gazette, 7 March 1999, "Hope for the "Hopeless Continent": Mercenaries, Traders", Journal for the Southern African Region, 3, July-October 2000, or more recently "Ruthless humanitarianism: why marginalizing private peacekeeping kills people", in Private Military and Security Companies: Ethics, Policies and Civil Military Relations, Routledge, 2008

reconstruction from armed conflict". The association is also aimed at improving the image of contractors specialized in conflicts and post-conflict zones, promoting the role of private companies "operating under the umbrella of United Nations or government-led operations".[3]

7. Nine members of ISOA are currently or have recently been involved in Somalia: AECOM, Dyncorp, OSPREA logistics and PAE, contracted by the US Department of State to equip, deploy and train AMISOM,[4] Agility and RA International, contracted by the United Nations also in support of AMISOM, International Armored Group, which provided Saracen International Lebanon with four B6-type armoured vehicles, Hart Security and Threat Management Group, a former branch of Agility, mentioned respectively in the Monitoring Group reports in 2008 and 2010 for previous alleged contracts with the Puntland administration.

Somaliland

8. The Somaliland administration is in the process of introducing specific legislation with regards to activities of private security companies over their territory. In this perspective, a legal consultant funded by UNDP Somalia Rule of law and security program, has proposed that the Somaliland Ministry of Interior promulgate a decree introducing a legal framework to regulate the security sector.[5]

9. At the time of writing, only one private security company is officially operating in Somaliland, although many businesses, hotels and organizations are currently contracting armed individuals to secure their properties. The Special Protection Unit of Somaliland Ministry of Interior is in charge of the safety and security of members of the international community, providing protective escort services and external perimeter security for their staff and premises.

Physical Risk Solutions

10. Physical Risk Solutions (PRS), which existence has been mentioned in 2010 Monitoring Group report, is a private security company registered in Somaliland and managed by a South African former military. According to the company website, PRS is providing "extensive services" to their client, including "armed guarding" and a "PRS team action".

11. However, the company manager emphasized to the Monitoring Group that current restrictions imposed by Somaliland authorities do not allow armed guarding activities.[6] Consequently, PRS is currently contracted by international organizations and NGOs to provide internal security services

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[3] ISOA website, accessed at www.stability-operations.org, 24 April 2011.

[4] DynCorp International, AECOM and Pacific Architects & Engineers (PAE, a Lockheed Martin company) have signed in September 2009 a five-years contract with the US Department of State Africa Peacekeaping Program (AFRICAP) which includes provision of logistics support, construction, military training and advising, maritime security capacity building, equipment procurement, operational deployment for peacekeeping troops, aerial surveillance and conference facilitation; in 2010, Dyncorp, in Somalia since February 2007 when AMISOM landed first in Mogadishu, was replaced by PAE and AECOM.

[5] Alphonso Gaskins, "Action taken to address the Somaliland Ministry of interior's concerns regarding the operation of private security companies in Somaliland", UNDP Somalia, 7 February 2011.

[6] Interview with Wayne Hermanson, Nairobi, 2 May 2011.

with trained but unarmed personnel, operating security screening and monitoring compounds security with the relevant equipment, including x-ray machines, metal detectors and CCTV systems.[7]

Select Armor

12. Select Armor is a private security company based in Virginia, USA, specialized in protection and training. According to specialized media, Select Armor was involved in 2006 in planning military operations in support of former TFG President Abdullahi Yusuf.[8]

13. On 15 October 2010, according to Somali media reports and Somaliland government officials, the Chief executive officer of Select Armor, Michele Lynn Golden-Ballarin, notorious in the region for her engagement with Somali pirates who have nicknamed her "Amira", was expelled from Somaliland.[9]

Michele Ballarin in Djibouti on 13 September 2009 for the appointment of Omar Abdirashid as Prime Minister of the TFG, among other dignitaries including Ethiopian militaries and AMISOM officials

14. A Somaliland Foreign Ministry official confirmed to the Monitoring Group the report,[10] stating that Michele Ballarin had obtained an invitation and visa through contacts in Somaliland parliament and arrived in the territory without the knowledge of the administration. She then sought meetings with various officials, including the Minister of Interior, in which she allegedly proposed a US$20 million scheme to upgrade Hargeysa airport and improve its security. She did not specify where the funds would come from, but reportedly implied that she represented a branch of the US government.

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[7] Alphonso Gaskins, "Action taken to address the Somaliland Ministry of interior's concerns regarding the operation of private security companies in Somaliland", UNDP Somalia, 7 February 2011.

[8] "Mission Mogadishu", Africa Confidential, 8 September 2006; during an interview on 1 September 2010 with Voice of America Somali services, she also claimed to have been appointed in 2009 as a Presidential Advisor for Reconstruction and Humanitarian Assistance to the Office of TFG President Sheikh Sharif.

[9] "Mareykan lagu xanibey Barbera", Garowe online, 16 October 2010.

[10] Interview by telephone, 16 October 2010.

15. When Somaliland government officials became suspicious and began taking a closer interest in her presence, she and her associates reportedly left Hargeysa for Berbera where they tried to catch a departing flight. They were stopped and detained on the orders of the Minister of Interior. When the Foreign Ministry contacted the US embassy in Nairobi for clarification, they say they were told that she in no way represented the US government, but that the US government nevertheless requested her release in order to avoid diplomatic complications. She and her associates were subsequently permitted to leave.

16. The Monitoring Group has not received further reports of Select Armor activities in Somalia.

Triton International Ltd.

17. In its previous report, the Monitoring Group noted that Triton, a United Kingdom-based company, had been contracted by Somaliland authorities to provide assistance to the Somaliland coastguard, and that this information had been confirmed by the company.[11]

18. A source based in Somaliland and with direct knowledge of PSC activities in Somalia has since confirmed that the contract was still active.[12] The Monitoring Group has requested several times from Triton additional information, but no reply has been forthcoming.

Puntland

Pathfinder Corporation and Focus Africa

19. Pathfinder and Focus Africa are South-African companies contracted by the Puntland Petroleum and Mineral Agency (PPMA) to supervise the security aspects of the deployment in Puntland of foreign companies involved in oil exploration.[13]

Salama Fikira International

20. Salama Fikira is a private security company based in Kenya and with offices in Mauritius and Puntland, Somalia. They are contracted by Africa Oil Corporation, registered in Canada, to "protect Africa Oil Corp.'s activities in Puntland".[14] Africa Oil is leading a consortium of foreign oil companies which includes three companies incorporated in Australia (Range Resources,[15] Lion Energy Corporation and Red Emperor). The consortium had its license renewed in January 2011 by the Puntland government, and plans to begin drilling operations in the Dharoor valley, situated between Bosaaso and Garowe, within July 2011.

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[11] S/2010/91, paragraph 229.

[12] Interview with a confidential source, Nairobi, 2 May 2011.

[13] Interview with Focus Africa director, Nairobi, 31 March 2011

[14] Letter from Africa Oil chief executive officer to the Monitoring group dated 28 February 2011.

[15] Range resources acquired between October 2005 and June 2006 the exclusive rights for both Dharoor and Nogal blocks from Consort Private. On March and April 2006, international and Somali media reported on heavy fighting between Puntland forces protecting Range Resources exploration team and local militias in Majayahan, west of Bosaaso. On 4 March 2007, Africa Oil has acquired from Range Resources 80% participating interest in the licenses. On June 2008, Somali media reported that Africa Oil expatriates had to be relocated to Bosaaso following new fightings between Puntland forces and local militia in Ufayn, east of Bosaaso.

21. According to Salama Fikira's managing director, they have a permanent representation in Bosaaso, Puntland, providing risk assessment to Africa Oil and coordinating support provided by Puntland military and Police to protect Africa Oil's operations.[16]

22. Salama Fikira also offers "maritime crisis response" services, which may involve negotiations with Somali pirates for the release of hijacked vessels. On 24 May 2011, two Cessna aircraft operated by Phoenix Aviation bearing registration 5Y-BYD and 5Y-MJA were grounded on arrival at Mogadishu International Airport and their pilots and passengers, including several Salama Fikira employees, detained.[17]

23. According to Kenyan Government officials, the first aircraft registered 5Y-BYD arrived from Seychelles "with a lot of money which was made to pay pirates", and that "the crew of the two aircraft was intercepted while transferring the money to the second aircraft", which bore registration 5Y-MJA and arrived from Wilson Airport in Nairobi, because the operation "had not been declared in the clearance letter".[18]

Saracen International

24. See annex 6.3.

Mudug region

Southern Ace

25. See annex 6.2.

Mogadishu

Bancroft Global Development

26. Bancroft provides technical expertise to AMISOM and, under its auspices, to the TFG military. They have assisted AMISOM in modernizing their sight system for mortar fire, and are taking an active part in the training of TFG soldiers, from infantry tactics to administration and accountability, and of the presidential guard in charge of the TFG President personal security details.[19]

27. It is the understanding of the Monitoring Group that Bancroft's status as a contractor for AMISOM means that its activities are subject to the exemption to the arms embargo provided for in paragraph 11(a) of UNSCR 1772.

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[16] Interview with Salama Fikira managing director, Nairobi, 15 March 2011.

[17] "Brits arrested in Somalia with £2.2 million ransom for pirates", The Daily Telegraph, 26 May 2011.

[18] Email to the Monitoring Group, 8 June 2011.

[19] Interview with Bancroft management, Mogadishu, 10 December 2010

Clear Ocean

28. On 11 August 2010, the TFG Minister of Foreign Affairs, Yusuf Hassan Ibrahim, signed a letter of endorsement for "the implementation of marine resource management in Somali territorial waters and its Exclusive Economic Zone" with a company called Clear Ocean, registered in the Commonwealth of Dominica and based in the UAE. The contract includes the "establishment of immediate monitoring and enforcement mechanisms in order to quell the current illegal fishing activities".[20] According to Clear Ocean internal documentation, the company allegedly signed a similar contract with Somaliland administration on 5 June 2010, and therefore planned to "install and manage a command control center in Berbera and Mogadishu".

29. On 18 January 2011, Norwegian media reported that the KNM Horten, a 2,664 ton military vessel with a helicopter deck and capacity for 155 crew and passengers, was purchased from the Norwegian Defence Logistics Organization by Clear Ocean for about US$9 million.

The KNM "Horten" at an unknown date

30. On this occasion, Svein Johnsen, Clear Ocean chief executive officer and co-owner of the company alongside Philippe Banse, declared that the company project was to acquire six other vessels, six helicopters and one surveillance plane, to "manage the fisheries, chase pirates and in general protect the waters as we will now be doing on behalf of the Somali government".[21]

31. In the same statement, Sven Johnsen, who has a military background, also said that "Clear Ocean vessels will have a weapons system on board that can stop a boat from a distance of two kilometers: if the pirates don't stop before getting within 800 meters of us, they will be stopped".[22]

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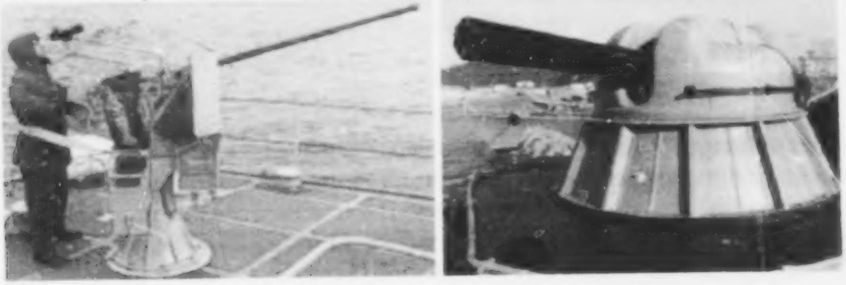
[20] See Annex 6.1.b.

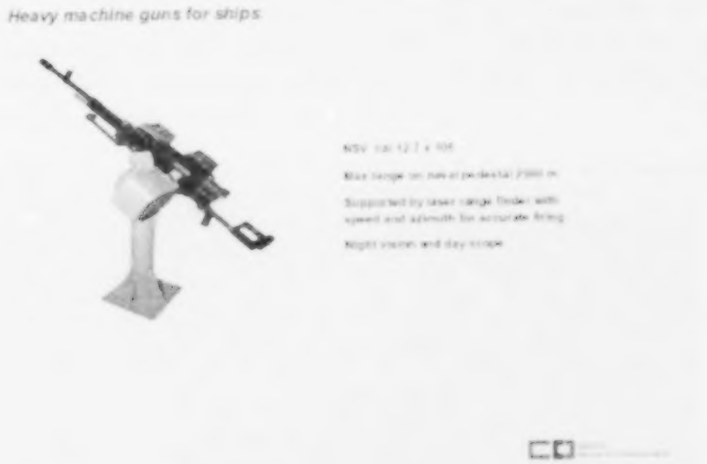
[21] "Norwegians to protect Somalia's fisheries", The Norway Post, 18 January 2011

[22] "Ship owners arm to fight piracy", Views and News from Norway, 18 January 2011

32. In line with this statement, the internal documentation obtained by the Monitoring Group lists the weaponry that Clear Ocean planned to purchase to undertake its alleged contract with TFG and Somaliland administration. It includes a 20 mm Regimental Ship Gun, an AK630 Gatling machine gun, NSV caliber 12.7mm supported by a laser rangefnder, OSV caliber 12.7mm, sniper rifles, AKM and PKM machine-guns and automatic pistols.

Clear Ocean planned armament according to its own commercial brochure





Heavy machine guns for ships

NSV cal 12.7 x 108

Max range on naval pedestal 2000 m

Supported by laser range finder with speed and azimuth for accurate firing

Night vision and day scope

33. On 21 January 2011, the Norwegian ministry of Foreign affairs decided "not to grant an export licence" for the KNM Horten, since new information was given to the Ministry that Clear Ocean "now plans to arm the vessel so that it can provide security services off the coast of Somalia".[23]

34. In response to a Monitoring Group request for information, Clear Ocean admitted that the company will "at a later stage bring weapons and ammunition for own protection" in Somalia, informing the Monitoring Group "what we are bringing and in what quantities" to undertake "maritime patrol by air and sea of the EEZ".[24]

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[23] "No export license for KNM Horten", Minister of Foreign Affairs of Norway, 21 January 2011

[24] Letter from Clear Ocean LLC, 15 November 2010

35. However, Clear Ocean's assertion that "FAO will support our operation based on a request from the TFG Minister of Fisheries" has been refuted by the director of fisheries of the United Nations Food and Agriculture Organization, who is specifically named as a reference in Clear Ocean letter.[25]

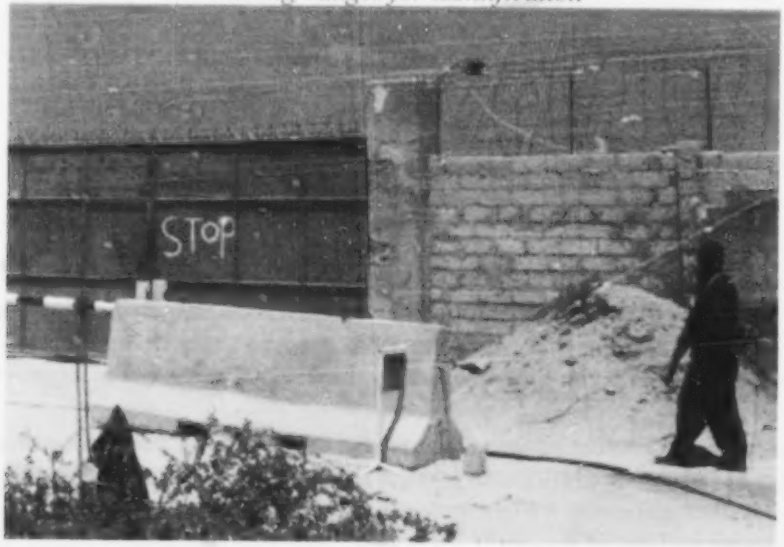
Compass Integrated Security Solutions

36. Compass is a Dubai-based private security company contracted by Supreme Group, a global logistics services company supplying food for example to US forces in Afghanistan, to protect their facilities, assets and operations all over the world. In Mogadishu, Supreme Fuels, contracted by UNSOA to provide fuel to AMISOM, subcontracts a local company, Nation Wide Enterprise, which is owned by a Somali businessman called Mohamed Duale.[26]

37. Compass has deployed in Mogadishu a team of eight expatriates to coordinate Duale's local militia, to secure the Supreme compound and to protect movements of staff within Mogadishu, mainly between their compound, located next to Mogadishu international airport, and AMISOM premises.[27]

38. A mission from the Monitoring Group was able to visit the Supreme Fuels compound, including the armory used by the local militiamen to store their weapons when off-duty, and was given a presentation by the Compass chief operations officer of the security scheme currently in place. The mission was also informed of the steps taken jointly by Supreme and Compass in order to find an international organization or a state to notify the Committee for an exemption to the importation of security equipment.[28]

Supreme Compound main gate on 8 April 2011 — Local armed guards are wearing uniforms and bearing badges for identification



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[25] Interview with FAO director of fisheries, aquaculture policy and economics division by email, 26 January 2011

[26] Interview with Supreme fuels Operations support manager, Mogadishu, 8 April 2011

[27] Interview with Compass chief operations officer, Dubai, 20 February 2011

[28] Visit of the Monitoring group to Supreme fuel compound, Mogadishu, 8 April 2011

Polaris Business Investigation and Intelligence

39. Registered in Singapore, with an office in Nairobi and in the United-Kingdom, this company is co-owned by an American and a British national who claim to work in Mogadishu since the Ethiopian forces seized the capital in January 2007. Their compound is located next to Mogadishu International Airport.[29]

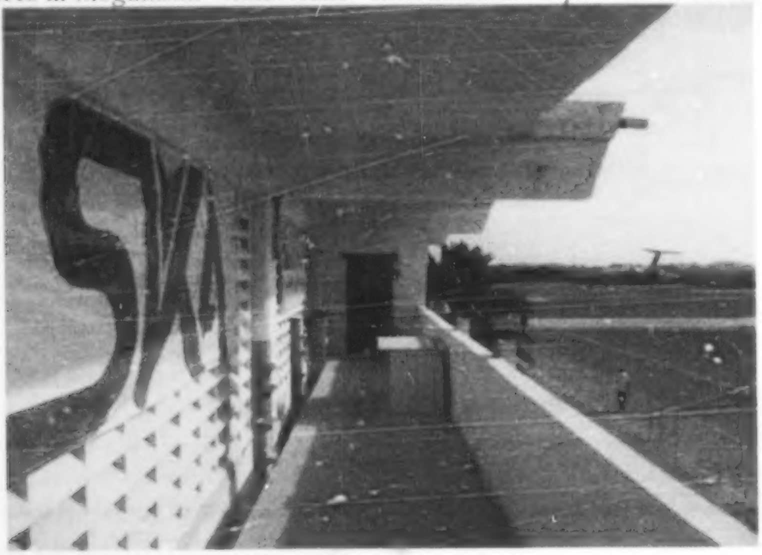
40. They are mainly contracted for construction works inside AMISOM compound, although they are also known for carrying out investigations, security and risk assessment, under the protection of a small local militia.[30]

SKA Air and logistics

41. SKA is a Dubai-based provider of aviation services and logistics contracted by the TFG to manage Mogadishu "Adan Adde" International airport. After the signature of a first agreement with former Prime Minister Omar Abdirashid Ali "Sharmarke" including also Mogadishu seaport,[31] SKA was eventually granted with a ten-year concession to manage airport services on 26 December 2010 by the government of Mohamed Abdullahi Mohamed "Farmajo".

42. On 30 December 2010, Prime Minister "Farmajo" was challenged by members of the Transitional Federal Parliament over the signature of this contract, given that SKA was widely perceived as being associated at that time with private security companies.[32]

SKA offices at Mogadishu "Adan Adde" International Airport on 24 January 2011



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[29] Interview with PBI2 managing director, Nairobi, 18 May 2011; he also mentioned during the interview that his British partner was leaving the company.

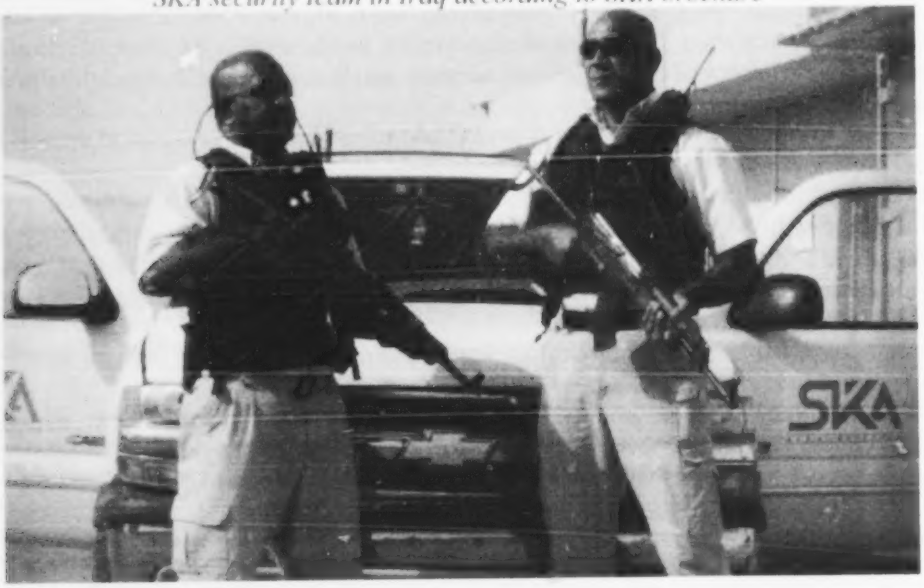
[30] Interview with an intelligence official, Mogadishu, 10 December 2010.

[31] Interview with SKA manager, Mogadishu,11 December 2010.

[32] "Somali MPs call for all foreign companies exit", Shabelle Media Network, 29 December 2010.

43. Although SKA also provides "safety and security services",[33] according to its own commercial brochure, it is the assessment of the Monitoring Group that SKA is not involved in activities directly related to security or in support to the security sector in Somalia, even if some members of the SKA "security team" have been spotted by the Monitoring Group in Mogadishu.[34]

SKA security team in Iraq according to SKA brochure



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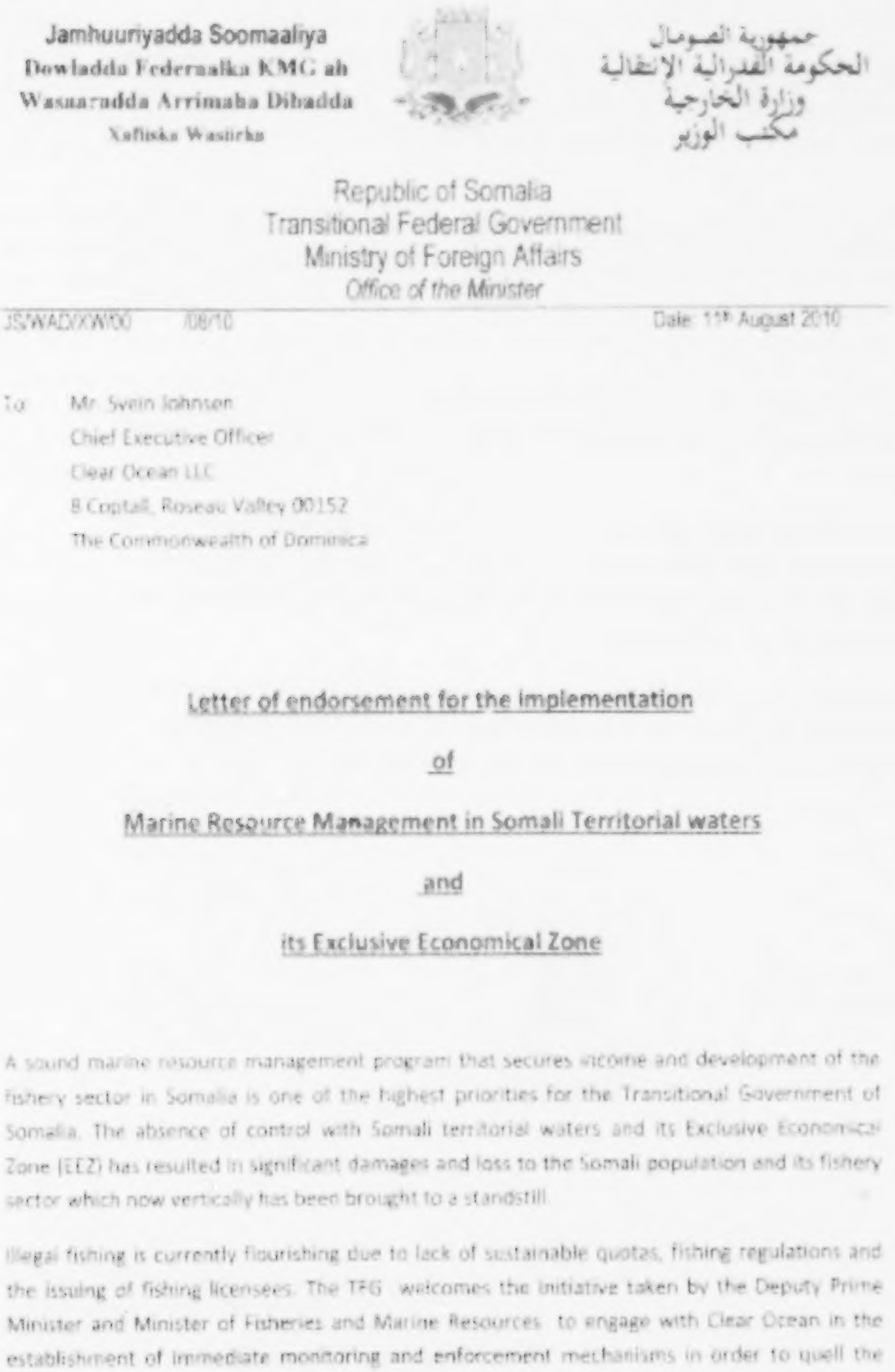
[33] SKA provides with its "own highly-skilled security team [...] full protection and support for any sensitive mission requirements, as well as personal security detail (PSD), convoy escort and static security for compounds and facilities".

[34] The Monitoring Group visited SKA offices at Mogadishu international airport on 11 December 2010, 22 January 2011 and 9 April 2011.

Annex 6.1.a.: Transitional Federal Government letter of endorsement for Clear Ocean



Jamhuuriyadda Soomaaliya
Dowladda Federaalka KMG ah
Wasaaradda Arrimaha Dibadda
Xafiiska Wasiirka

جمهورية الصومال
الحكومة الفدرالية الانتقالية
وزارة الخارجية
مكتب الوزير

Republic of Somalia
Transitional Federal Government
Ministry of Foreign Affairs
Office of the Minister

JS/WAD/XW/00 /08/10 Date: 11th August 2010

To: Mr. Svein Johnsen
Chief Executive Officer
Clear Ocean LLC
8 Coptall, Roseau Valley 00152
The Commonwealth of Dominica

Letter of endorsement for the implementation

of

Marine Resource Management in Somali Territorial waters

and

its Exclusive Economical Zone

A sound marine resource management program that secures income and development of the fishery sector in Somalia is one of the highest priorities for the Transitional Government of Somalia. The absence of control with Somali territorial waters and its Exclusive Economical Zone (EEZ) has resulted in significant damages and loss to the Somali population and its fishery sector which now vertically has been brought to a standstill.

Illegal fishing is currently flourishing due to lack of sustainable quotas, fishing regulations and the issuing of fishing licensees. The TFG welcomes the initiative taken by the Deputy Prime Minister and Minister of Fisheries and Marine Resources to engage with Clear Ocean in the establishment of immediate monitoring and enforcement mechanisms in order to quell the current illegal fishing activities. The TFG further welcomes that Marine pollution inform of unregulated dumping of toxic waste in Somali territorial waters has been addressed and is incorporated in the contractual arrangements between the Ministry of Fisheries and Clear Ocean.

The TFG further endorses the quota regulations and mechanisms for the issuing of sustainable fishing licenses and welcomes the implementation of the Automatic Identification System (AIS) and the Vessel Monitoring System (VMS) which will allow for good control of vessels that operating in Somali waters.

The TFG is further pleased to see that marine conservation and the protection of coastal estuaries and wetlands have been addressed and will be protected through a monitoring and control program.

The TFG realizes that by implementing a sound monitoring and enforcement system that one of the key roots of piracy will be addressed and dealt with. It was exactly for the reasons of lawlessness and lack of monitoring and control that piracy blossomed and has by now brought the whole fishing industry in Somalia to a standstill.

The TFG herby fully endorses the implementation of a sound Marine Resource Management program in cooperation with Clear Ocean that will be given all necessary authorizations to enforce the MRM program in cooperation with the Ministry of Fisheries.

Hon. Yusuf Hassan Ibrahim
The Minister

Annex 6.2.: Case study: Southern Ace

1. Southern Ace Ltd. was officially established in Hong Kong on May 18, 2007 by owner and director Edgar Van Tonder for the purpose of "import and export of logging trucks and trailers and their spare parts".[1] Paul Calder Le Roux also known as Bernard John Bowlins is a 'silent partner' in the company, and believed by law enforcement officials concerned by the company's operations to be the actual owner.[2]

2. In January 2009, in association with a Somali businessman named Liban Mohamed Ahmed "Ottavio", Southern Ace made a proposal to the 'Gaalmudug State' administration, based in Gaalka'yo, presenting itself "traders and importers of fisheries products in Hong-Kong" and "interested in establishing operations in the central and coast of Somalia starting with the Mudug region".[3] Several months later, on 22 April 2009, Erwin Bockstaele, Southern Ace operations officer in Mudug and reportedly a former soldier, signed an agreement with the then President of the Gaalmudug administration, Mohamed Warsame Ali "Kimiko", establishing the company in association with Ali Hashi Dhoore, owner of the Iidan Fishing Company and candidate in the January 2009 TFG presidential election.[4]

3. By the end of April, Erwin Bockstaele, assisted by Shaun Right, also known as Abed Abu Radi, began recruiting militiamen from "Ottavio"s subclan (Hawiye/Habr Gedir/Sacad/Reer Nimacale), equipped with Kalashnikov-pattern assault rifles and light machine guns, offering up to US$300 per month.

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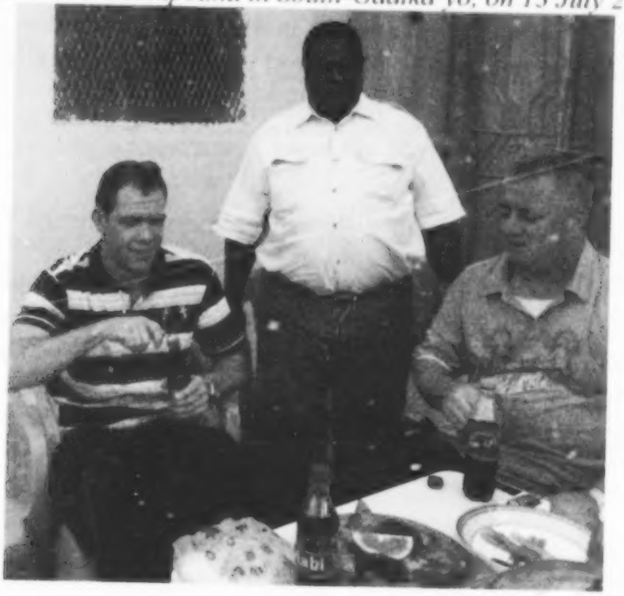
[1] On 17 December 2010, Van Tonder was replaced at the head of the company by Richard Warren Talaro, a Philippine national.

[2] Interview with a military source, February 2011.

[3] See Annex 6.2.b.

[4] Interview with Mohamed Warsame Ali "Kimiko", Nairobi, 16 March 2011

Erwin Bockstaele, Misheck Dzichaunya and Shaun Right in Southern Ace compound in South-Gaalka'yo, on 13 July 2009



4. At the same time, the company began to purchase weaponry from the Gaalka'yo arms market, acquiring about 70 Kalashnikov-pattern assault rifles, 5 light and heavy machine-guns, 5 rocket-propelled grenade launchers, and one anti-aircraft ZU-23 machine-gun with 2,000 rounds of ammunition, as well as a number of handguns.[5] Southern Ace's arms purchases were so substantial that local officials in Gaalka'yo noted a significant rise in the price of ammunition and a shortage of ZU-23 rounds.[6]

5. Several of these weapons were mounted on vehicles, including two four-wheel drive vehicles mounted with light machine-guns, three pick-up trucks mounted with heavy machine-guns and two GMC trucks mounted with ZU-23.[7] Southern Ace also imported to Somalia radio equipment, Philippine army-style uniforms and bullet-proof jackets in support of their operations.

6. Meanwhile, "Ottavio" set up a company called GalSom Limited, and began to experiment with the cultivation of hallucinogenic plants, including opium, coca and cannabis, initially at the Southern Ace compound in south Gaalka'yo. The cultivation was later extended on a larger scale at the premises of the Iidan Fishing Company.[8] He was assisted in this endeavour by two Philippine nationals, Ian Caballes and Donald Gimeno, a Zimbabwean and a South-African maintenance

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[5] Interview with military official, February 2011.

[6] Interview with a Galmudug official, Nairobi, 5 March 2011

[7] Interview with a former employee of Southern Ace in Somalia by email, 29 April 2011. One of the Zu-23 'technical' vehicles was apparently leased.

[8] Interview with a former employee of Southern Ace in Somalia by email, 18 April 2011. The Monitoring Group has also seen photographic evidence of GalSom's activities.

technician. In support of these activities, Gaisom Ltd. and the Iidan fishing company imported generators, green houses, gardening tools, herbicides, fertilizer, a bulldozer, an excavator, a compactor, a drilling machine, and three small trucks from Philippines, China, Hong-Kong, Kenya and UAE.[9]

7. During an interview with the Monitoring Group in Djibouti on 2 December 2010, "Ottavio" admitted owning GalSom, and presented himself as Southern Ace representative in Gaalka'yo. He claimed to be head of a well-paid militia in the Mudug region, assisted by "armed international from different countries". He also acknowledged having purchased a greenhouse "for agricultural produce"

8. Local start up costs for the period March to June 2009 amounted to at least US$500,000, wired from Paul Calder Le Roux's company in Philippines La Plata Trading, via a money transfer company based in Dubai, UAE.[10]

9. Early in 2010, the company established a new compound at Af Bawaarqo, about 180 kilometres east of Gaalka'yo and 50 kilometres north-west of the Iidan fish factory compound, mid-way between Hobyo to Jariiban. By this time, Southern Ace and its local associates operated a well-equipped, 220-strong militia from the Habar Gidir / Sa'ad / Reer Nim'aale sub-clan, supervised by a dozen Zimbabweans — one of the strongest forces in south Mudug region, with the potential to change the balance of power in the area (which may help to explain several grenade attacks on the company headquarters end of 2009 and early 2010). Southern Ace has been consequently engaged in supporting armed groups allied to the Galmudug administration in Gaalka'yo and Ahlu Sunna Wal Jama'a in the Mudug region. On 29 November 2010, in Godod (30 kms south-east of Gaalka'yo), militiamen from the Omar-Mahmud sub-clan of Majerteen, supported by four-wheel drive vehicles mounted with heavy-machine guns, attacked Sa'ad pastoral nomads causing allegedly heavy casualties from both sides. According to UN confidential reports, the fighting lasted several days and Southern Ace militia was engaged in fight and supported Sa'ad militiamen.[11]

10. Towards the end of March 2010, Le Roux planned to import by air a large quantity of heavy weapons, including 75 kilograms of C4 explosives, 200 land mines, one million rounds of 7.62 mm ammunition, and five AT-3 "Sagger" anti-tank missiles.[12] For this purpose, Mohamad Khalif Dhore, Gaalmudug's aviation Minister, issued an official letter stating that the Baandiiradley airstrip was suitable for landing of an Antonov 12.[13]

11. According to multiple sources interviewed by the Monitoring Group, the planned delivery never took place. Instead, in mid-2010 a dispute between Le Roux and "Ottavio" erupted, when Le Roux realized that he was paying his militiamen almost twice the market rate. As the crisis deepened, most of Southern Ace international staff left Somalia and in November 2010, "Ottavio", supported by the militiamen from his sub-clan, took over the leadership of Southern Ace in Gaalka'yo.

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[9] Interview with a former employee of Southern Ace in Somalia by email, 18 April 2011

[10] According to credible, confidential documentation seen by the Monitoring Group.

[11] Confidential UN report, 30 November 2010.

[12] Interview with a military source, February 2011.

[13] See Annex 6.2.c.

12. By January 2011, only two international Southern Ace personnel remained in Gaalka'yo, apparently handling administrative tasks. On 12 January 2011, Jirat Taeko, a Zimbabwean national, was reportedly killed at the gate of the compound in South-Gaalka'yo, following an argument with one of the company militiamen over financial issues.[14] "Ottavio" and three other Southern Ace local staff were subsequently jailed for three weeks by Gaalmudug authorities, and company assets, including weapons, were reportedly divided between local Habr Gedir/Sacad militias and the Gaalmudug authorities.[15]

13. By the time Southern Ace ceased operations in early 2011, the Monitoring Group estimates that Le Roux and his associates had spent approximately US$ 3 million in Somalia, including almost $1 million in militia salaries and over $US 150,000 on arms and ammunition.

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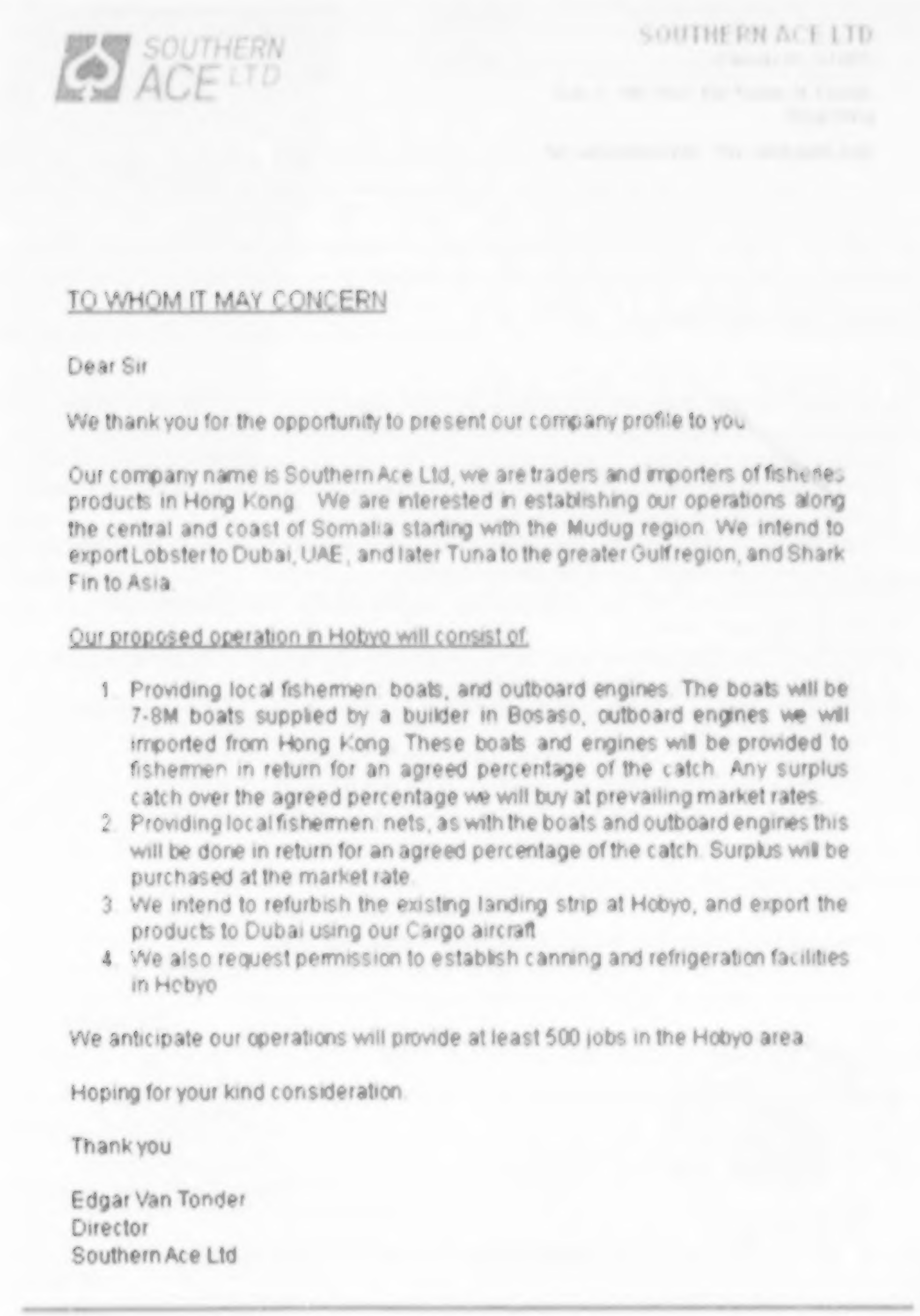
[14] "Somalia: Zimbabwean Killed in Central Town", Shabelle Media Network, 13 January 2011.

[15] Interview with a Gaalmudug official, Nairobi, 5 March 2011

Annex 6.2.a.: Southern Ace company profile



SOUTHERN ACE LTD

TO WHOM IT MAY CONCERN

Dear Sir

We thank you for the opportunity to present our company profile to you.

Our company name is Southern Ace Ltd, we are traders and importers of fisheries products in Hong Kong. We are interested in establishing our operations along the central and coast of Somalia starting with the Mudug region. We intend to export Lobster to Dubai, UAE , and later Tuna to the greater Gulf region, and Shark Fin to Asia.

Our proposed operation in Hobyo will consist of:

1. Providing local fishermen: boats, and outboard engines. The boats will be 7-8M boats supplied by a builder in Bosaso, outboard engines we will imported from Hong Kong. These boats and engines will be provided to fishermen in return for an agreed percentage of the catch. Any surplus catch over the agreed percentage we will buy at prevailing market rates.
2. Providing local fishermen: nets, as with the boats and outboard engines this will be done in return for an agreed percentage of the catch. Surplus will be purchased at the market rate.
3. We intend to refurbish the existing landing strip at Hobyo, and export the products to Dubai using our Cargo aircraft.
4. We also request permission to establish canning and refrigeration facilities in Hobyo.

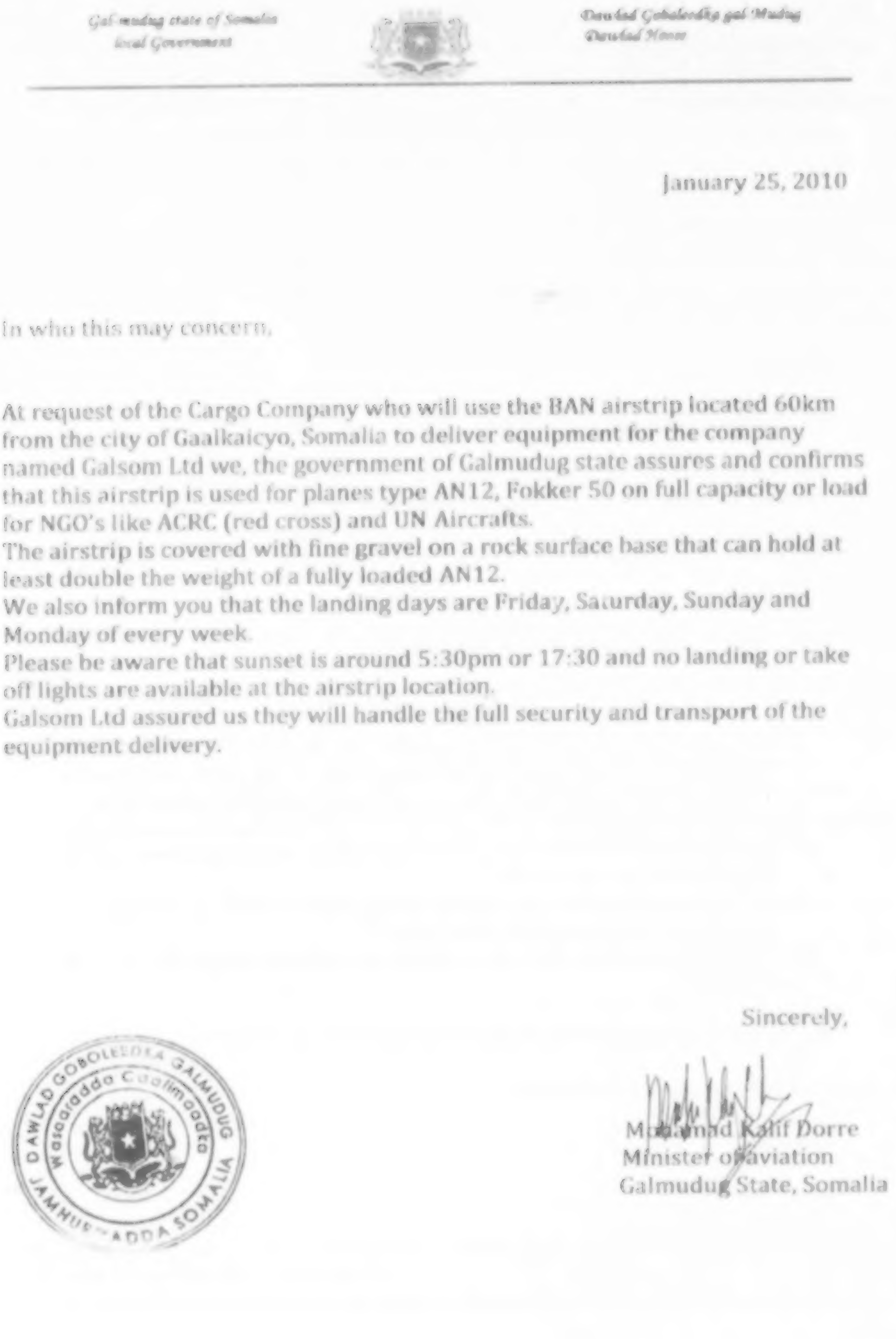
We anticipate our operations will provide at least 500 jobs in the Hobyo area.

Hoping for your kind consideration.

Thank you

Edgar Van Tonder
Director
Southern Ace Ltd

Annex 6.2.b.: Letter from Gaalmudug Minister of Aviation, 25 January 2010



Gal-mudug state of Somalia
local Government

Dawlad Goboleedka gal-Mudug
Dawlad Hoose

January 25, 2010

In who this may concern,

At request of the Cargo Company who will use the BAN airstrip located 60km from the city of Gaalkaicyo, Somalia to deliver equipment for the company named Galsom Ltd we, the government of Galmudug state assures and confirms that this airstrip is used for planes type AN12, Fokker 50 on full capacity or load for NGO's like ACRC (red cross) and UN Aircrafts.
The airstrip is covered with fine gravel on a rock surface base that can hold at least double the weight of a fully loaded AN12.
We also inform you that the landing days are Friday, Saturday, Sunday and Monday of every week.
Please be aware that sunset is around 5:30pm or 17:30 and no landing or take off lights are available at the airstrip location.
Galsom Ltd assured us they will handle the full security and transport of the equipment delivery.

Sincerely,

Mohamad Kalif Dorre
Minister of aviation
Galmudug State, Somalia

Annex 6.3.: Case study: Saracen International

1. Between May 2010 and February 2011, Saracen has provided military training, equipment and vehicles to a military force, and deployed armed, foreign security personnel on Somali territory, in the initial phases of an operation that would have become the largest externally supported military activity in Somalia, after AMISOM.

2. The Monitoring Group believes that Saracen's operations since May 2010 represent a significant violation of the general and complete arms embargo on Somalia, which prohibits "all deliveries of weapons and military equipment"[1] and requires that any "supplies and technical assistance […] intended solely for the purpose of helping develop security sector institutions"[2] be authorised by the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea. It is also the opinion of the Monitoring Group that Saracen's activities to date have represented a threat to peace and security in Somalia.

3. Saracen operates independently of all international, multilateral frameworks for support to the Somali security sector. Consequently, there is no way to ensure that forces trained and equipped by Saracen will in fact be employed for the declared purposes of the programme. Indeed, there are already indications that the Puntland authorities may have alternate objectives in mind for the force. Such ambiguity has engendered tensions between Puntland and its neighbours, as well as within Puntland itself. Parts of the Puntland population, neighbouring administrations, the Transitional Federal Government and the Transitional Federal Parliament, as well as parts of the international community have all called for the cessation of the programme.

4. Despite having been informed by the Monitoring Group in December 2010 of the need for Security Council authorization, at the time of writing Saracen's activities in Somalia have not been notified to the Security Council Committee on Somalia and Eritrea. On 17 February 2011, Saracen International reported to the Monitoring Group, through legal counsel, that it had suspended training activities in order to comply with relevant Security Council resolutions.[3] However, the Monitoring Group has since learned that uniformed Saracen trainees and Saracen-provided vehicles have been deployed as security details for Puntland officials and Saracen 'humanitarian' operations. Saracen's team subsequently conducted reconnaissance and recruiting activities in new areas of operations.

5. On 19 May 2011, the Puntland administration notified the Monitoring Group that "any agreements between Puntland and Saracen have been terminated, as of April 20, 2011, by mutual agreement," affirming that training could resume "pending a U.N. Security Council waiver which gives Puntland Government mandate to train its anti-piracy marine force (PMF), in line with U.N. Security Council Resolution 1976, of 11 April 2011."[4] Saracen nevertheless continued to maintain a presence in Puntland and showed no indication of withdrawing its personnel or materiel, pending authorization of the programme.

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[1] Security Council resolution 733 (1992), paragraph 5.

[2] Security Council resolution 1772 (2007), paragraph 11(b).

[3] See Annex 6.3.b.

[4] Electronic communication with the Monitoring Group from the Puntland Presidency via Mohamed H. Barre, Puntland Liaison Officer in Kenya, 19 May 2011.

6. The Monitoring Group welcomes the Puntland administration's actions to rectify the situation with respect to the sanctions regime, as well as its stated commitment to comply with relevant Security Council resolutions, but will continue to monitor Saracen's activities closely.

Background to SARACEN involvement in Somalia

7. Saracen International Ltd was established in the British Virgin Islands in 1995, and has since opened offices in South Africa, Uganda, the DRC and Angola.[5] In 2005, Willem "Bill" Pelser, CEO of Saracen International (South Africa) and managing director of Saracen International (Uganda), first began to take an interest in the Puntland region of Somalia.[6]

8. On 28 October 2009, Lafras Luitingh, owner of Saracen International (South Africa) and Pelser's long-time business partner, reportedly met in Washington DC with former Blackwater and Xe Services Chief Executive Officer and owner, Erik Dean Prince. In December 2009, Luitingh travelled to the Middle East to meet with a consortium of anonymous donors to present a plan to fight piracy in Puntland and to train a personal security detail (PSD) for the President of the Transitional Federal Government (TFG). A confidential intelligence report provided to the Monitoring Group, as well as media reports, allege that this meeting involved Erik Prince and officials from Abu Dhabi in the United Arab Emirates.[7]

9. On 3 March 2010 an offshore company named Saracen International SAL (Société Anonyme Libanaise) was registered in Lebanon by Jamal Muhammad Balassi, a Ukrainian national of Palestinian origin, who serves as both Chairman of the Board of Governors and Managing Director of the company. When questioned by officials from the Lebanese Ministry of Justice, Balassi's partners in Saracen — one Palestinian and one Lebanese partner, both resident in Sidon, Lebanon — claimed to know nothing about the company's activities. Both were also described by the Ministry as apparently having a record for passing bad cheques and breach of fiduciary duty.[8] Although Balassi could not be reached by the Monitoring Group for comment,[9] information provided by the UAE Ministry of Interior indicates he is currently employed by Reflex Responses (R2) Management Consultancy,[10] a company linked to Erik Dean Prince.[11]

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[5] See Annex 6.3.c.

[6] In July 2005, Bill Pelser established with two local partners a company called Universal Consultants with headquarters in Bosaaso, and a branch in Kampala, Uganda. According to the articles of association, one of the principal areas of company activity was to be "Consulting, especially in mining, oil exploration, fishing etc.". Universal Consultants subsequently tendered a bid for fishing rights licences and "means of discouraging unlawful fishing within the territorial waters of Puntland", issued by the Ministry of Fisheries of the Puntland Government (see Annex 6.3.d.).

[7] At the time of writing, the Monitoring Group received no reply to its letter to the Permanent Representative of the UAE to the UN of 4 May 2011 regarding Saracen, seeking additional information.

[8] Report of Said Mirza, Public Prosecutor at the Court of Cassation (Ministry of Justice), Beirut, 28 March 2011. See Annex 6.3.c.

[9] Lafras Luitingh and his lawyers, the Washington based law firm Steptoe & Johnson LLP, have not complied with the Monitoring Group's request that they provide Jamal Balassi's contact details.

[10] Reply to SEMG OC.61 from the Permanent representation of the UAE dated 19 May 2011.

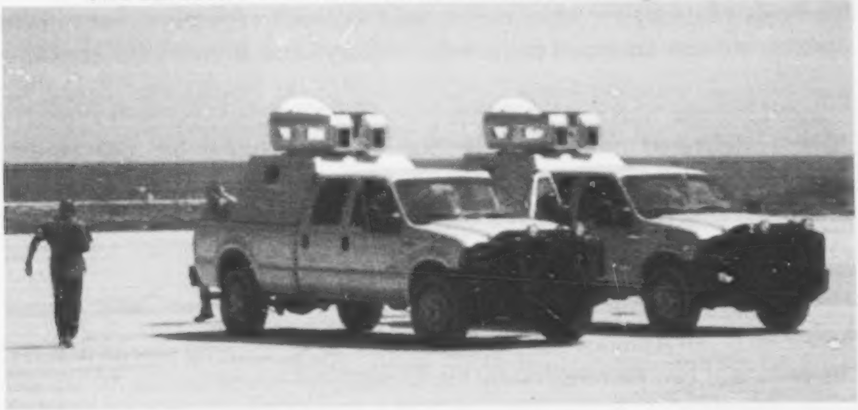
[11] Mark Mazzetti and Emily B. Hager, "Secret Desert Force Set Up by Blackwater's Founder", The New York Times, 14 May 2011; Michael Roumi, R2 company president, confirmed to the New York Times after the publication of the article that Erik Dean Prince has been working for his company (accessed at http://www.nytimes.com/2011/05/15/world/middleeast/15prince.html?_r=1 on 7 June 2011).

10. Later the same month, Luitingh, met several times with Somali officials,[12] and signed two Memoranda of Agreement.[13] One of these memoranda, which Luitingh signed with the TFG on behalf of Saracen International (Lebanon), envisaged a training programme for TFG security forces, including a new presidential security unit, an anti-terrorism elite force, VIP protection, and a range of other skills. The second memorandum was signed with the Puntland administration, and envisaged the establishment of a heavily armed 'coast guard'. Saracen has failed to comply with Monitoring Group requests that it provide copies of these and other documents.

Saracen plans and operations in Mogadishu

11. On 5 October 2010, Luitingh travelled to Mogadishu together with consultant Michael Shanklin, a former CIA officer with prior experience in Somalia, and four other Saracen personnel. On 17 October 2010, Saracen received three Ford F350 B6-type armoured vehicles purchased in the UAE, with turrets for gun mounts.[14] A fourth armoured vehicle was delivered to Mogadishu on 21 October 2010.[15]

Two Saracen Ford F350 armoured vehicles with gun turrets



12. Saracen's presence and plans in Mogadishu rapidly became a source of contention. The AMISOM Force Commander, Major General Nathan Mugisha, expressed to the TFG his concerns "over unknown armed groups in the Mission area",[16] and the Transitional Federal Parliament also

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[12] Luitingh met on 15 March 2010 with TFG Prime Minister Omar Abdirashid Ali Sharmarke in Saudi Arabia; on 16 March 2010 with Puntland President Abdirahman Mohamed Faroole and Farah Ali Jama, current Puntland Minister of Finance, in Garowe, alongside Bill Pelser; and a few days later with TFG President H.E. Sheikh Sharif Sheikh Ahmed and Presidential Chief of Staff Abdulkareem Jama.

[13] Interview with Lafras Luitingh and his lawyers, Pretoria, 13 January 2011.

[14] Flight VBD6019 from Sharjah, UAE, operated by V-Berd Aviation with an Ilyushin Il-76 cargo aircraft bearing registration number EK-76592.

[15] An Ilyushin Il-76 registered EK-76245, operated by RusAviation, transported on 18 October 2010 the fourth vehicle from Sharjah to Djibouti; an Antonov An-12, bearing registration number 4L-IRA, which flew from Djibouti to Mogadishu on 21 October 2010 operated by Hamed Air Cargo, had probably previously delivered the vehicle to Mogadishu, but this could not be confirmed by the Monitoring group despite several requests to the declared operators of this aircraft.

[16] Statement by TFG Information Minister Abdulkareem Jama, "Response to stakeholders concern over unknown armed group in Mission area", date unknown.

demanded, on 30 December 2010, that the TFG explain to parliament the details of contracts with "foreign companies illegally operating in the country".[17] Faced with such resistance, Saracen abandoned its plans for Mogadishu and, at the request of the AMISOM Force Commander, redeployed most personnel and their equipment by air to Bosaaso on 29 October 2010, maintaining only a token 'humanitarian' presence at the TFG presidency, renovating a medical clinic for TFG officials. On 22 January 2011, then TFG Minister of Information issued a statement to international and Somali media that "the Somali government is to suspend its contract with SARACEN International".[18] This was followed less than a week later with another statement from the Minister, dated 28 January 2011, that the TFG's decision to end the relationship with Saracen International "is binding on all Somali territories. That will apply to all parts of Somalia".[19]

Saracen Plans and Operations: Bosaaso

14. By the time of Saracen's withdrawal from Mogadishu, its operations in Bosaaso were well advanced: to establish a force of approximately 1,000-strong, equipped with 3 transport aircraft, 3 reconnaissance aircraft, 2 transport helicopters and 2 light helicopters. The maritime component of the force would be equipped with 1 command and control vessel, 2 logistical support vessels and 3 rigid-hulled inflatable boats (RHIBs) for rapid deployment and intervention. If fully implemented, these plans would establish the best-equipped indigenous military force anywhere in Somalia.

15. Just two days after the Saracen team redeployed to Bosaaso, on 31 October 2010, the MV NOORA MOON 1 delivered approximately 500 MT of equipment and hardware, including construction vehicles and also 85 pick-up trucks to the port of Bosaaso. Between October 2010 and February 2011, Saracen also chartered fifteen flights to Somalia from the UAE and Uganda, involving two Antonov An-32 cargo aircraft operated by Ayk Avia, carrying supplies for the Saracen training camp in Puntland.[20]

16. One of these flights, an Antonov An-32 registered EK-32604, was detained at Hargeysa airport, together with its crew and two passengers, by the Somaliland authorities on 10 December 2010. The flight, which had originated Entebbe was chartered by another company owned by Luitingh's, Australian African Global Investments Pty Ltd (AAGI),[21] and bore 583 kg of military-style khaki uniforms, including "combat t-shirts" and "SWAT" combat boots, as well as black battle harnesses and belts with magazine pouches destined for the trainees in Bosaaso.[22] The flight manifest, issued by Air Armenia, stated only that the cargo comprised clothing and spare parts. In a gesture illustrative of the lack of transparency with which Saracen has managed its Somali operations, the commercial invoice issued by AAGI described the cargo simply as "camping & safari equipment".[23]

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[17] "Somali MPs says foreign firms operating in the country illegally", Shabelle Media Network, 30 December 2010.
[18] Jeffrey Gettleman, "Somalia Is Likely to Cut Ties to Mercenaries, Official Says", The New York Times, 23 January 2011.
[19] Katharine Houreld, "Somali region defies federal government over Saracen deal", Associated Press, 28 January 2011.
[20] Despite repeated Monitoring Group requests, Saracen has only provided cargo manifests and/or packing lists for 4 of the 15 flights.
[21] See Annex 6.3.f.
[22] See Annex 6.3.g.
[23] See Annex 6.3.h.

Note on Flight EK 32604[24]

On 10 December 2010 at 0845, an Antonov An-32 with tail registration number EK 32604 contacted Hargeysa tower and requested permission to land. The flight had originated at Entebbe and routed via Ethiopian airspace. The pilot provided a clearance reference for southern Somalia, not Somaliland, so the tower asked him the reason for landing. The pilot stated that he wanted to make a technical stop to upload fuel and permission was granted.

The aircraft entered Somali airspace at AXAPO (Fararweyne) at 0912 at an altitude of 21,000 feet, and landed at 0925. The aircraft landed with 2 hours fuel duration, en route to Bosaaso, which requires 1.5 hours. The onward routing was to Al-Ryan (OYRN) and Sharjah.

The flight manifest (copy on file) is issued by Air Armenia (P.O. Box 8256, Sharjah), and states that the cargo comprised clothing and car parts. Hargeysa civil aviation authorities were suspicious and demanded to inspect the cargo. Upon inspection, they discovered that the clothing included military uniforms, boots and web gear, and that the aircraft was carrying additional cargo not on the manifest. In addition to a six-man Russian crew, the aircraft was also carrying two South African passengers. Somaliland authorities grounded the aircraft and detained the passengers and crew, placing them under 'house arrest' at Ambassador Hotel.

The Somaliland authorities suspected the two South Africans, Chris Everson and Anton van de Merwe, of being military trainers associated with Saracen International's operations in Puntland. In a statement recorded after their arrest, the two described themselves as a freelance television crew employed by Moonlighting Films in Cape Town.

On 10 December 2010, the SEMG Coordinator contacted the Somaliland Foreign Minister, Mohamed Omar, for additional information. On 11 December 2010, Minister Omar invited the SEMG to assist the Somaliland authorities in investigating the incident. A mission comprising M. Bryden and C. Reyes departed for Hargeysa on 12 December 2010, returning to Nairobi on 14 December. The mission succeeded in accomplishing its three principle objectives: inspection of the aircraft and cargo; interviews with the passengers and crew; and review of relevant documentation. The mission also strengthened the working relationship between the SEMG and Somaliland authorities.

Findings

The flight originated in Entebbe and was operated by AYK AVIA, an Armenian aviation company. According to Capt. Boris Antoniv, the aircraft and crew had been based in Entebbe since 1 October 2010, under contract with Australian African Global Investments (AAGI SA (PTY)), a South African-registered company headed by Lafras Luitingh. Luitingh is also the MD or CEO of Saracen International (South Africa), which is currently engaged in training militia at a base at Bandar Siyada, west of Bosaaso in Puntland, Somalia.

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[24] This note is a narrative summary of events relating to the seizure of AN-32 EK 32604 in Hargeysa on 10 December 2010, based on the mission to Hargeysa of M. Bryden and C. Reyes on 12-14 December 2010.

According to Capt. Antoniv, the aircraft and crew fly 2-3 rotations per month for AAGI, for a total of 6-7 flights since 1 October 2010. Antoniv stated that all flights have been to Bosaaso except for one rotation on 29 October 2010, when he transported 12 passengers from Mogadishu to Bosaaso (names on file with SEMG). One of the crago boxes was labelled 'Mog'.

Their point of contact in Entebbe is Lood Pepler, AAGI's 'Support Manager' (+27 826565889 / +256 788 572592, loodpepler@gmail.com). According to Everson, Pepler has been working as a construction supervisor at Saracen's facility in Bosaaso, but was temporarily deployed to Entebbe where he was Everson and van der Merwe's point of contact in December 2010. On 13 December 2010, Everson believed that Pepler was in Durban, where a large consignment of approximately 80 containers has been prepared for export to Saracen's facility in Bosaaso. Saracen's vessels MV Seafarer and MV Eaton are expected to call at Durban on 19 December 2010.

The cargo on the flight consisted of 583 kg of military-style khaki uniforms, including "combat t-shirts" and "SWAT" combat boots, as well as black battle harnesses and belts with magazine pouches. Also on the aircraft were a hand-held metal detector and wheeled security mirror for inspecting vehicles. The cargo had initially been shipped from Johannesburg to Entebbe with South African airlines (waybill No. 083JNB08614811) and was destined for Bosaaso. One of the boxes bore a label stating "To: L. Pepler".

The cargo waybill (copy on file), issued in Johannesburg by Global Reach Logistics on 30 November 2010, indicates the consignee as:

Puntland Development Group
1 Issa Avenue
State of Puntland
Bosaso, Somalia

Documents provided to the SEMG by an Arent Fox legal team claiming to represent the TFG in connection with Saracen's operations, indicate that the consignee for other deliveries of cargo to Saracen in Bosaaso is also the Puntland Development Group (contact person Issa Hassan Omer / Mohamoud Shido / Joseph Abdalla).

In addition to the manifested cargo, the flight also carried the two passengers and their camera gear. Journalists Everson and van der Merwe travelled from Johannesburg to Entebbe via Nairobi on Kenya airways late on 6 December 2010. Acting on the advice of producer Shawn Efran, who was already in Bosaaso at the Saracen camp (local phone +252 90 563807), Everson and van der Merwe's employer, Moonlighting Films (Theresa Ryan van Graan, +27 833302675), had contacted AAGI in South Africa (POC Liesl) who had arranged that they board the cargo flight from Entebbe.

Everson and van der Merwe had been scheduled to depart for Bosaaso with the AAGI-chartered cargo flight on 8 December 2010. However, the delayed arrival of the cargo from Johannesburg delayed their departure until 10 December 2010. While in Uganda, their POC was Pepler, who on 9 December 2010 briefly took them to the Saracen International compound in Kampala.

Everson and van der Merwe claim that this was the first and only time they heard the name Saracen. All arrangements for the shoot had been made by Efran, who had told them only that they were to film a training facility for counter piracy operations in Bosaaso. Information shared with the Monitoring Group by the Somaliland authorities appears to substantiate this account.

According to Captain Antoniv, the original flight plan had been routed via Addis Ababa as a fuel stop, but because of routine 3-4 hour fuelling delays in Addis, Antoniv opted to route via Hargeysa instead, for the first time. Everson's account appears to corroborate Antoniv's, since he told the SEMG that the flight had originally been described to him as being of 8-9 hour duration, but that Antoniv later said there had been a change and it would last only 5 hours.

17. The consignment was officially destined for the Puntland Development Group (PDG), which has been contracted by SARACEN to provide local logistics support, select local personnel and pay trainee salaries. Shipping documents obtained by the Monitoring Group identify one of PDG's contact persons in Bosaaso and Dubai, UAE, as Mohamud Shido, a known associate of Khadar Abdirahman Faroole and Mohamed Abdirahman Faroole, sons of the current president of Puntland. The Monitoring Group has been told that Khadar Abdirahman Faroole is a partner in PDG, but has not been able to independently verify this assertion. According to Luitingh, PDG is directly funded by the "donors", not by Saracen.

18. On 23 December 2010, another logistical consignment, comprising 119 shipping containers, left the South African port of Durban on board the MV Seafarer, destined for the Saracen camp in Bosaaso via the United Arab Emirates. Documentation relating to the shipment again indicated the involvement of Luitingh's logistics company, AAGI, as well as UFA Consultants, a South African company owned by Saracen International (Uganda) CEO, Willem Hendrik Pelser.[25]

19. The MV Seafarer was escorted on its journey to Durban by the MV Eaton, which had previously been known as the MV McArthur and operated by private security company, Blackwater. Both the MV Eaton and MV Seafarer are currently owned and operated by Afloat Leasing Ltd, a company officially registered in Liberia and possessing offices in Malta, under the maritime directorship of former Blackwater employee, Joseph Russel D'Alfio (see case study on Afloat Leasing in Annex 6.5). Before routing to Durban, the Seafarer and Eaton had called at Djibouti port on 28 September 2010, where they leased automatic weapons for an on-board security team. Despite its military profile and the presence of armed security on board, D'Alfio has repeatedly denied that the MV Eaton serves in an escort role and has described it instead as a 'Offshore Support Vessel (OSV) or Survey Vessel'.[26]

Training and operations

20. Between 2 October 2010 and 17 February 2011, Saracen carried out basic military training courses for 470 soldiers and drivers selected by Puntland authorities and the PDG. The basic training

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[25] See Annex 6.3.i.

[26] As described in electronic communications authored by Joseph D'Alfio and obtained by the Monitoring Group, as well as in declarations by Afloat Leasing Ltd. to port and customs authorities at Mombasa, Durban, and the Seychelles. See also Annex 6.3.j.

included "fundamental disciplinary aspects of the military" and "training with weapons". In addition, most of the trainees were provided with a five-week specialized training for section leaders, drivers, signallers, medics and in the use of heavy machine-guns (DShK 12.7mm). Planned training on the use of the 40mm grenade launcher and the 82mm mortar did not take place because of lack of equipment.

21. According to an internal Saracen document obtained by the Monitoring Group, the Puntland government planned to make available to Saracen 195 AK-47 assault rifles with 74,188 rounds of 7.62 calibre ammunition, and 13 PKM light machine-guns with 4,647 rounds of 7.62 calibre ammunition, 2 12.7mm heavy machine-guns, 40mm grenade launchers and 82mm mortars.[27] On Thursday, 11 November 2010, most of the small calibre weaponry was delivered to Saracen. However, Saracen's project management was dissatisfied with the quality of the weapons and described the procurement process as "tedious and costly", suggesting in an internal document that the company should "pursue other avenues of procuring the needed equipment."[28] Two pictures obtained by the Monitoring Group show two foreigners, probably Saracen trainers, among Puntland Marine Force trainees carrying weapons during a parade on an unknown date.

Saracen trainees carrying weapons during a parade

22. By November 2010, Saracen trainees, personnel and equipment were already adopting a more operational role in Puntland. On 16 November 2010, for example, the four armoured Ford F350 imported airlifted to Bosaaso from Mogadishu were photographed while moving in convoy in the streets of Bosaaso.

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[27] Puntland Marine Force, Management report, November 2010, pp. 7-8.

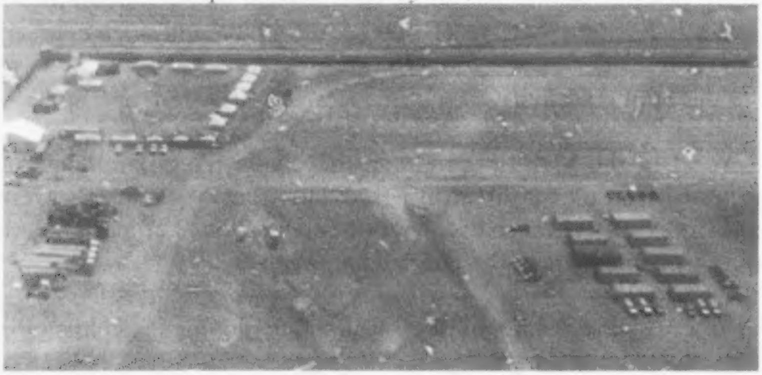
[28] Puntland Marine Force, Management report, November 2010, pp. 7-8 and 11.

Saracen armoured vehicles with gun turrets in the streets of Bosaaso

23. According to Luitingh, the four vehicles were once deployed as part of the Personal Security Details of Puntland President Faroole, assuring his protection during his travel by road from Bosaaso to Garowe. On this occasion, it is Luitingh's understanding that the turrets were mounted with heavy machine-guns.[29]

24. Similarly, the Monitoring Group has received multiple reports that most of the 85 vehicles imported by Saracen have been handed over to Puntland authorities, including, according to a UN report, ten vehicles specifically attributed to Puntland Police. Aerial photos taken of the Saracen training camp on February 2011 show only a small number of vehicles, including the four armoured F350, parked inside the compound, lending credence to this report.

Saracen compound, Bandar Siyada, Bosaaso, Puntland



25. On 17 February 2011, in response to Monitoring Group warnings that the company was operating in potential breach of the arms embargo, Saracen's legal counsel notified the Monitoring Group by letter that it had suspended all training activities, pending authorization from the Security Council Committee on Somalia and Eritrea.[30] Both this letter and Luitingh indicated that Saracen intended to

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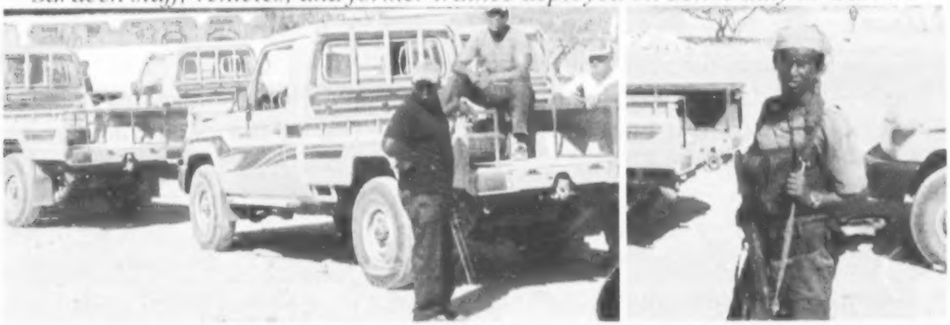
[29] Interview with Lafras Luitingh and his lawyers, Pretoria, 13 January 2011.

[30] See Annex 6.3.b.

resume operations in Puntland with a new appellation, but that in the meantime, Saracen personnel and assets would be used for "humanitarian" purposes.

26. On 24 February 2011, pictures taken in Garowe show Saracen staff and vehicles allegedly deployed in support of humanitarian deliveries to populations affected by the drought. One of these images, taken in the vicinity of the presidency compound in Garowe, shows a Puntland soldier wearing the characteristic Saracen Puntland Marine Force blue uniform, with corresponding headgear, and carrying an AK-47 assault rifle, or similar variant. Although the Monitoring Group has not been able to determine the status of all Saracen trainees, this image appears to indicate that at least some Saracen trainees are considered combat-ready and have been deployed on active duties.

Saracen staff, vehicles, and former trainee deployed on active duty in Garowe



27. On 18 April 2011, during a meeting with the Monitoring Group in Nairobi, Puntland President Faroole identified Saracen's 'anonymous' sponsor as the Government of the United Arab Emirates, and stated that he had been expecting the donor to apply for an exemption to the Security Council Committee on Somalia and Eritrea for Saracen operations in Puntland since February 2011.[31]

Potential threats to peace and security

28. It is the assessment of the Monitoring Group that Saracen's programme not only violates the arms embargo, but also constitutes a threat to peace and security. Saracen's presence has increased tension in north-eastern Somalia because its operations are perceived as a military threat by Puntland's neighbours, as well as by some parts of the Puntland population.

29. On 6 December 2010, the leader of the Gaalmudug regional administration, which borders Puntland to the south, alleged that Saracen's activities were part of a Puntland campaign to disrupt and destabilize Gaalmudug, and to "reignite the civil war".[32] On 11 December 2010, Somaliland Interior Minister, Mohamed Abdi Gaboose, stated during a press conference in Hargeysa that "the military training provided to Puntland is a threat to Somaliland's security and to that of the region in

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[31] Interview with the Monitoring Group, Nairobi, 18 April 2011.

[32] See Annex 6.3.k.

general".[33] And on 28 January 2011, the TFG announced its decision to end its relationship with Saracen International, and to prohibit the company from operating anywhere in Somalia.[34]

30. Part of this tension reflects ambiguities over the force's intended role. In an interview with the Associated Press, Mohamed Faroole, President Faroole's son and adviser, stated that "the new force will hunt down pirates on land in the Galgala mountains", because "you cannot have oil exploration if you have insecurity".[35] Faroole was referring to highland areas populated by the Harti/Warsangeli clan, many of whom object to Puntland's plans for oil exploration, where there is no evidence that pirates have ever operated. It is the Monitoring Group's assessment that Warsengeli apprehension over the Saracen programme has engendered support within the clan for Mohamed Said "Atom", a Warsengeli militia leader linked to Al-Shabaab. Saracen's declared intention to deploy foreign trainers in a "mentoring" role during military operations on the field would only serve to inflame the situation further.

31. The Monitoring Group believes that such concerns are justified. The first units and platoons of the 'Puntland Marine Force' trained by Saracen are intended to serve as an elite land unit for the Puntland administration. Saracen's claim that its personnel and trainees are engaged in "humanitarian" operations in no way alters the fundamentally military character and role of this force, or the adverse impact of its presence on peace and security in the region.

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[33] "Somaliland holds plane taking military supplies to Puntland", AFP, 10 December 2010.

[34] Katharine Houreld, "Somali region defies federal government over Saracen deal", Associated Press, 28 January 2011.

[35] Katharine Houreld, "1,000-man militia being trained in north Somalia", Associated Press, 1 December 2010.

Annex 6.3.a.:
Letter to the United Nations regarding cessation of counter-piracy training, 17 February 2011

STEPTOE & JOHNSON LLP
ATTORNEYS AT LAW

Stephen R. Heifetz
202.429.6327
sheifetz@steptoe.com

1330 Connecticut Avenue, NW
Washington, DC 20036-1795
Tel 202.429.3000
Fax 202.429.3902
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February 17, 2011

Mr. Matthew Bryden
Coordinator, Somalia Eritrea Monitoring Group
United Nations
Via Email: bryden@un.org

Mr. Kiho Cha
Secretary, Security Council Committee
United Nations
Via Email: cha@un.org

Ms. Mona Ali Khalil
Senior Legal Officer
United Nations
Via Email: khalil36@un.org

Ms. Assiya Akanay
Political Affairs Officer
United Nations
Via Email: akanay@un.org

Dear Messrs. Bryden and Cha and Mss. Khalil and Akany:

I am writing regarding the Somali counter-piracy project that we have discussed. As you know, that project is funded and otherwise supported by one or more "donor states," and the implementation of that project, in the form of counter-piracy training, has been undertaken by Saracen International and its personnel (collectively "Saracen").[1]

Saracen is committed to cooperation with the United Nations. In particular, Saracen seeks to fulfill the UN's calls for counter-piracy assistance and humanitarian services in Somalia, while complying with the UN's arms embargo on Somalia. Saracen has endeavored to utilize the UN's exceptions to the arms embargo to ensure that counter-

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[1] For the purpose of this letter, "Saracen" also includes any successor entity and its personnel.

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piracy training does not violate the arms embargo. We appreciate your acknowledgment of Saracen's efforts in these regards and write to inform you of further such efforts.

We have highlighted certain ambiguities in UN resolutions regarding exceptions to the arms embargo, and you have provided guidance to clarify the UN's positions. In accordance with that guidance, Saracen wishes to inform you that it has ceased counter-piracy training in Somalia until one or more "donor states" complies with the UN Committee's "notice procedures," including the passage of the five-day "no objection" period.

In anticipation of resuming the counter-piracy training upon donor state compliance with the notice procedures, Saracen intends to leave some equipment and staff in Somalia. The role of Saracen's staff remaining in Somalia would be solely to ensure that the equipment and any related infrastructure are properly maintained and not misused or destroyed and, to the extent permissible, used for non-military social projects.

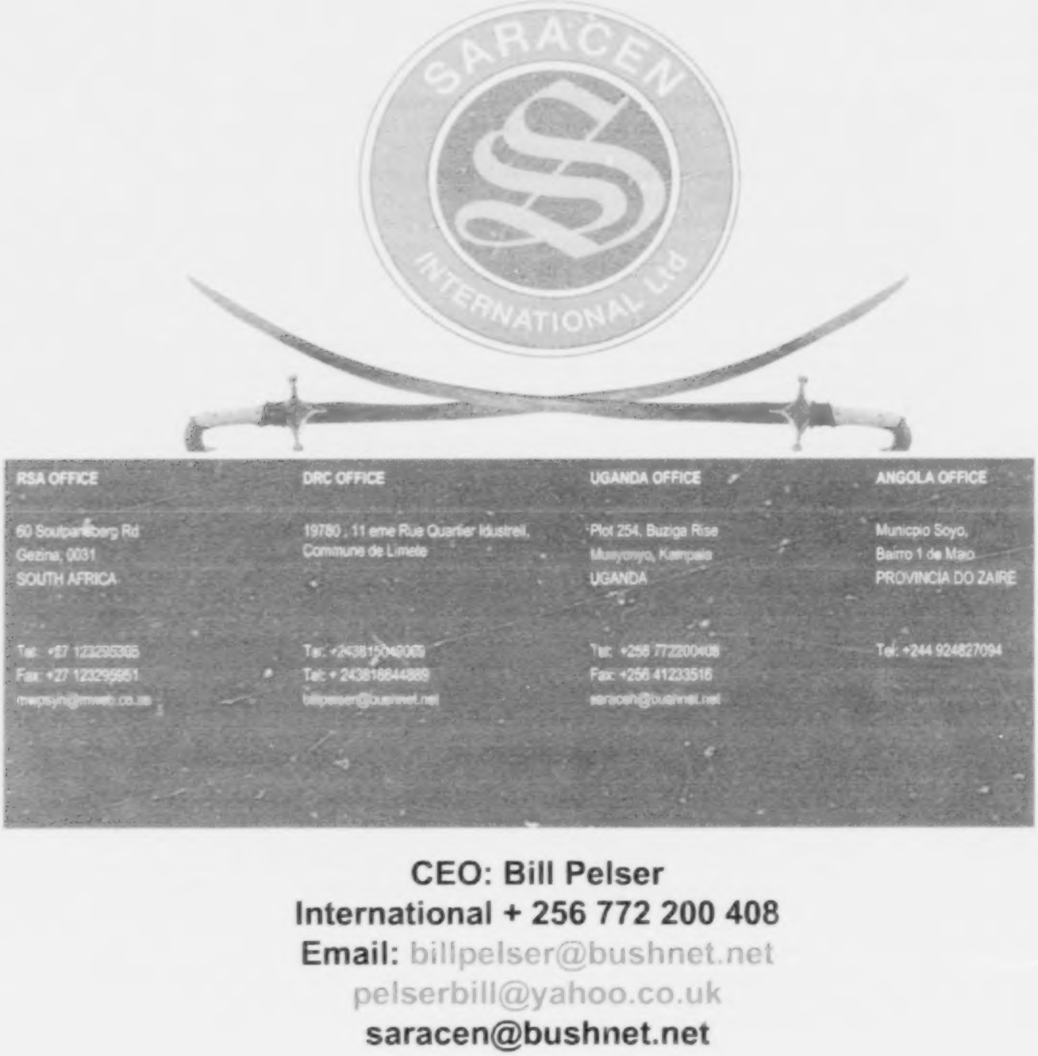
We would like to meet with you soon to ensure that Saracen's plans for maintaining equipment and staff, and for utilizing such equipment and staff for non-military ends, are consistent with UN rules. We look forward to continuing cooperation.

Sincerely,

Stephen R. Heifetz

Annex 6.3.b.: First page of Saracen company profile 2009

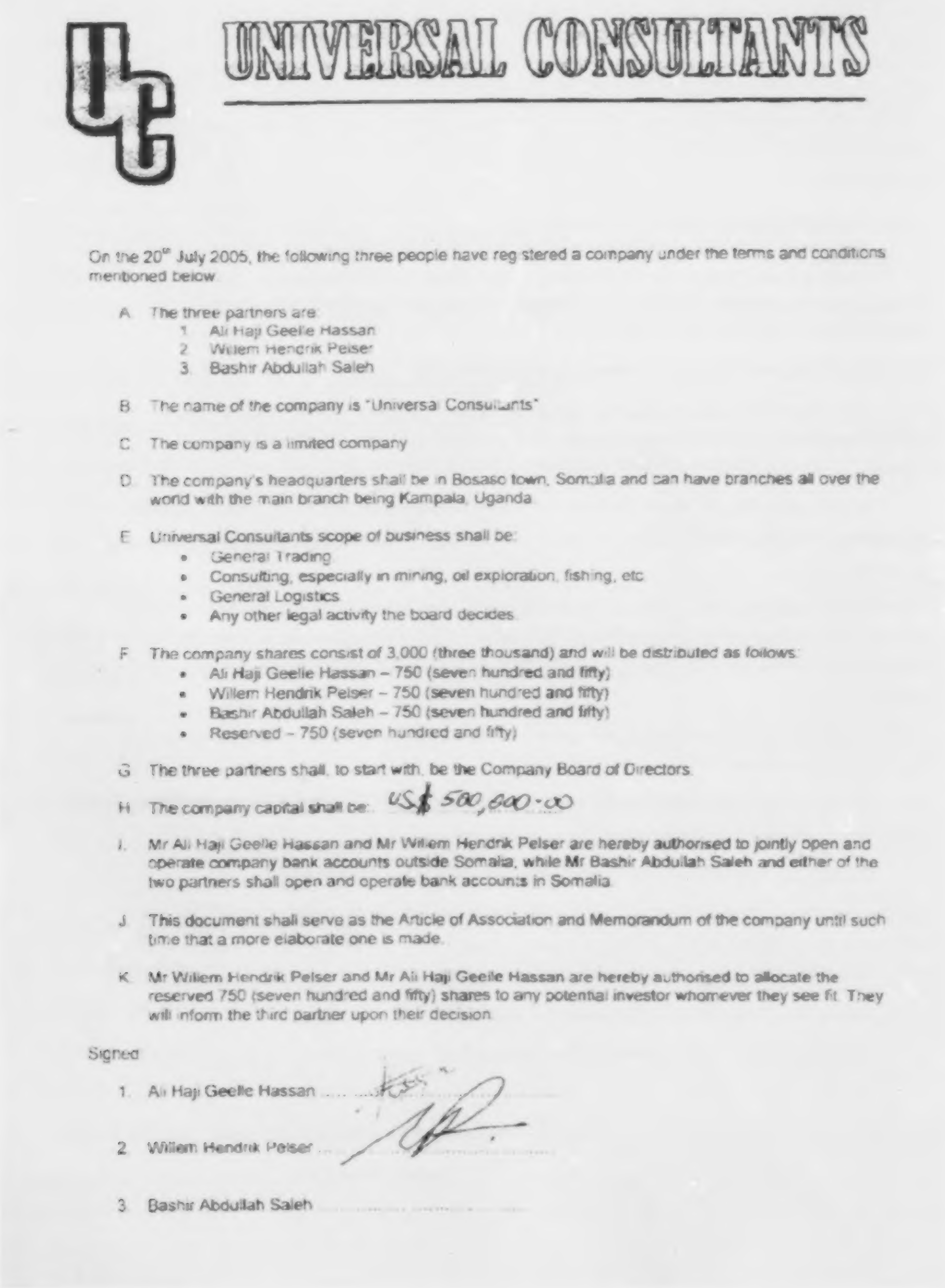
First page of "Saracen profile 2009" posted by Pieter Vos on www.slideshare.net, on October 2009


SARACEN
S
INTERNATIONAL Ltd

RSA OFFICE	DRC OFFICE	UGANDA OFFICE	ANGOLA OFFICE
60 Soutpansberg Rd Gezina, 0031 SOUTH AFRICA	19780 , 11 eme Rue Quartier Idustreil, Commune de Limete	Plot 254, Buziga Rise Munyonyo, Kampala UGANDA	Municpio Soyo, Bairro 1 de Maio PROVINCIA DO ZAIRE
Tel: +27 123295305 Fax: +27 123295951 [illegible]	Tel: +243815049009 Tel: + 243816844889 billpelser@bushnet.net	Tel: +256 772200408 Fax: +256 41233516 saracen@bushnet.net	Tel: +244 924827094

CEO: Bill Pelser
International + 256 772 200 408
Email: billpelser@bushnet.net
pelserbill@yahoo.co.uk
saracen@bushnet.net

Annex 6.3.c.: Universal Consultants company registration



UC UNIVERSAL CONSULTANTS

On the 20th July 2005, the following three people have registered a company under the terms and conditions mentioned below

A. The three partners are:
   1. Ali Haji Geelle Hassan
   2. Willem Hendrik Pelser
   3. Bashir Abdullah Saleh

B. The name of the company is "Universal Consultants"

C. The company is a limited company

D. The company's headquarters shall be in Bosaso town, Somalia and can have branches all over the world with the main branch being Kampala, Uganda

E. Universal Consultants scope of business shall be:
   - General Trading
   - Consulting, especially in mining, oil exploration, fishing, etc
   - General Logistics
   - Any other legal activity the board decides

F. The company shares consist of 3,000 (three thousand) and will be distributed as follows:
   - Ali Haji Geelle Hassan – 750 (seven hundred and fifty)
   - Willem Hendrik Pelser – 750 (seven hundred and fifty)
   - Bashir Abdullah Saleh – 750 (seven hundred and fifty)
   - Reserved – 750 (seven hundred and fifty)

G. The three partners shall, to start with, be the Company Board of Directors.

H. The company capital shall be: US$ 500,000-00

I. Mr Ali Haji Geelle Hassan and Mr Willem Hendrik Pelser are hereby authorised to jointly open and operate company bank accounts outside Somalia; while Mr Bashir Abdullah Saleh and either of the two partners shall open and operate bank accounts in Somalia

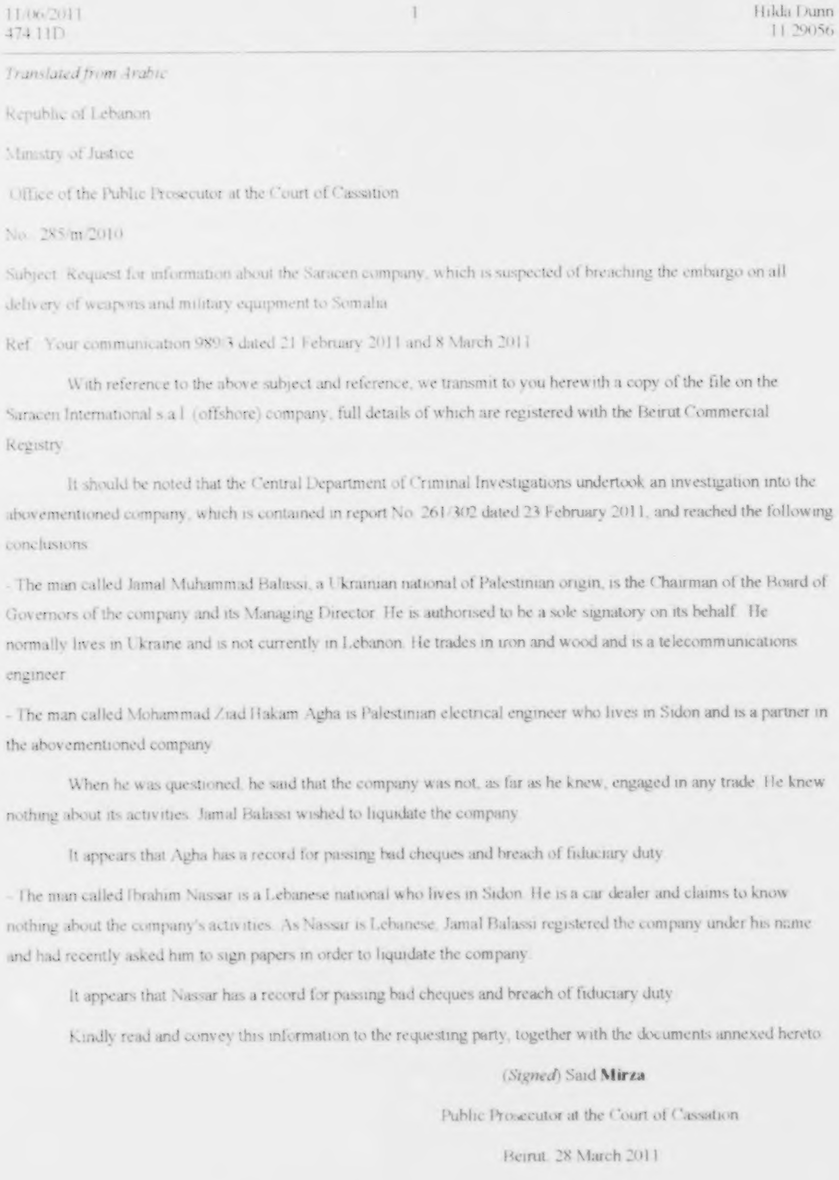
J. This document shall serve as the Article of Association and Memorandum of the company until such time that a more elaborate one is made.

K. Mr Willem Hendrik Pelser and Mr Ali Haji Geelle Hassan are hereby authorised to allocate the reserved 750 (seven hundred and fifty) shares to any potential investor whomever they see fit. They will inform the third partner upon their decision.

Signed

1. Ali Haji Geelle Hassan ....
2. Willem Hendrik Pelser ....
3. Bashir Abdullah Saleh ....

Annex 6.3.d.:
English translation of file on Saracen International from the Ministry of Justice of Lebanon



11/06/2011
474 11D

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Hilda Dunn
11 29056

Translated from Arabic

Republic of Lebanon

Ministry of Justice

Office of the Public Prosecutor at the Court of Cassation

No. 285/m/2010

Subject Request for information about the Saracen company, which is suspected of breaching the embargo on all delivery of weapons and military equipment to Somalia

Ref Your communication 989/3 dated 21 February 2011 and 8 March 2011

With reference to the above subject and reference, we transmit to you herewith a copy of the file on the Saracen International s.a.l. (offshore) company, full details of which are registered with the Beirut Commercial Registry

It should be noted that the Central Department of Criminal Investigations undertook an investigation into the abovementioned company, which is contained in report No. 261/302 dated 23 February 2011, and reached the following conclusions

- The man called Jamal Muhammad Balassi, a Ukrainian national of Palestinian origin, is the Chairman of the Board of Governors of the company and its Managing Director. He is authorised to be a sole signatory on its behalf. He normally lives in Ukraine and is not currently in Lebanon. He trades in iron and wood and is a telecommunications engineer

- The man called Mohammad Ziad Hakam Agha is Palestinian electrical engineer who lives in Sidon and is a partner in the abovementioned company

When he was questioned, he said that the company was not, as far as he knew, engaged in any trade. He knew nothing about its activities. Jamal Balassi wished to liquidate the company

It appears that Agha has a record for passing bad cheques and breach of fiduciary duty

- The man called Ibrahim Nassar is a Lebanese national who lives in Sidon. He is a car dealer and claims to know nothing about the company's activities. As Nassar is Lebanese, Jamal Balassi registered the company under his name and had recently asked him to sign papers in order to liquidate the company

It appears that Nassar has a record for passing bad cheques and breach of fiduciary duty

Kindly read and convey this information to the requesting party, together with the documents annexed hereto

(*Signed*) Said **Mirza**

Public Prosecutor at the Court of Cassation

Beirut, 28 March 2011

11/06/2011
474 11D

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Hilda Dunn
11 29056

Beirut

Commercial Court

Commercial Registry Department

To the manager:

Person requesting registration: Fadl Abu Thahr, attorney

A request has been received to deposit the articles of incorporation and register the company known as "Saracen International s.a.l. (offshore)" within one month of its establishment. In accordance with article 26, linked to articles 48 and 49 of the Commercial Code, set forth below is a summary of the articles of incorporation, of which two copies were produced:

1. Full name, nationality, birth date and place of residence of all shareholders:

- Jamal Muhammad Balassi, Ukrainian, born 1964. Passport No. EK 125539.

- Mohammad Ziad Hakam Agha, Palestinian, born 1958. File No. 78, statistical report No. 15270.

- Ibrahim Aly Nassar, Lebanese, born 1976. Register 22/Sidon central.

2. Name and address of commercial company:

Saracen International s.a.l. (offshore)

3. Company business:

In accordance with the provisions of Legislative Decree No. 46/83 and its amendments.

4. Type of company:

Offshore s.a.l.

5. Original headquarters and places in which it has branches and agencies, whether in Lebanon or abroad:

Office of Usama Abu Thahr, attorney, Damman Building, 6th floor, Fakhreddin Street, Sidon.

6. Names of partners and persons authorised as sole signatories for the company:

Jamal Muhammad Balassi, Chairman of the Board of Governors and Managing Director.

7. Company capital:

30 million Lebanese lira

8. Date of establishment:

9. Date of deposit:

10. Life of company:

99 years

To Saracen International s.a.l. (offshore) (currently being incorporated)

This is to inform you that I, the undersigned, Usama Abu Thahr, attorney, have no objection to your company using my office in the Damman Building, 6th floor, Fakhreddin Street, Sidon, as a temporary address for the purposes of registration with the Beirut Commercial Registry.

(*Signed*) Usama **Abu Thahr**

Attorney

Sidon, 9 March 2010

Republic of Lebanon

Ministry of the Interior

Personal identity card

Forename: Ibrahim

Family name: Nassar

Name of father: Aly

Full name of mother: Ghanduriyah Ahmad

Place of birth: Sidon

Date of birth: 1 January [? - blurred] 1976

Marital status: single

Date of issue: 11 October 2008

Register: 22/Sidon central, South Lebanon

[Signature , name and designation illegible]

Minutes of extraordinary meeting of partners of Saracen International s.a.l. (offshore)

Beirut Commercial Registry, registration No. 1804078 dated 9 March 2010

At the invitation of the Managing Director, Mr. Jamal Muhammad Balasi, a meeting of all company partners was held in the office in Sidon of Usama Abu Thahr, attorney. Having considered the agenda, participants unanimously agreed upon the following:

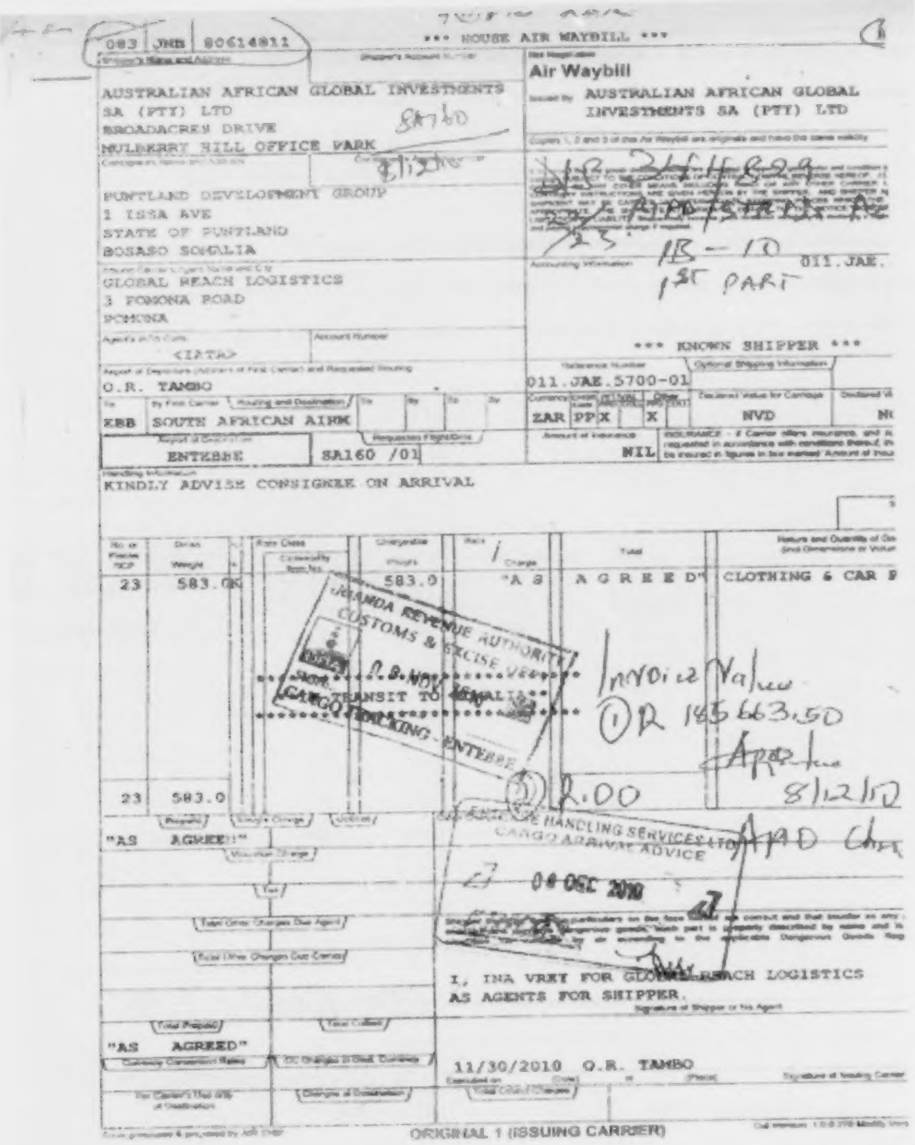
1. To unanimously adopt the report prepared by the accountant, Mr. Ma'ruf Hanina.

2. To mutually indemnify the partners once they had liquidated the company and indemnify the company.

3. There being no other issues to address, the meeting was concluded and the partners signed these minutes, having adopted and approved the content.

[six signatures]

Annex 6.3.e: Australian African Global Investments air waybill flight EK-32604



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*** HOUSE AIR WAYBILL ***

Air Waybill

Issued by AUSTRALIAN AFRICAN GLOBAL INVESTMENTS SA (PTY) LTD

AUSTRALIAN AFRICAN GLOBAL INVESTMENTS
SA (PTY) LTD
BROADACRES DRIVE
MULBERRY HILL OFFICE PARK

SA160

PUNTLAND DEVELOPMENT GROUP
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STATE OF PUNTLAND
BOSASO SOMALIA

GLOBAL REACH LOGISTICS
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KINDLY ADVISE CONSIGNEE ON ARRIVAL

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*** KNOWN SHIPPER ***

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NIL

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23	583.0				

UGANDA REVENUE AUTHORITY
CUSTOMS & EXCISE
0 8 NOV
TRANSIT TO SOMALIA
CARGO TRACKING - ENTEBBE

Invoice Value
① R 185 663.50
② R.00
8/12/10

ENTEBBE HANDLING SERVICES LTD
CARGO ARRIVAL ADVICE
04 DEC 2010

APD Ch

"AS AGREED"

"AS AGREED"

I, INA VREY FOR GLOBAL REACH LOGISTICS
AS AGENTS FOR SHIPPER.

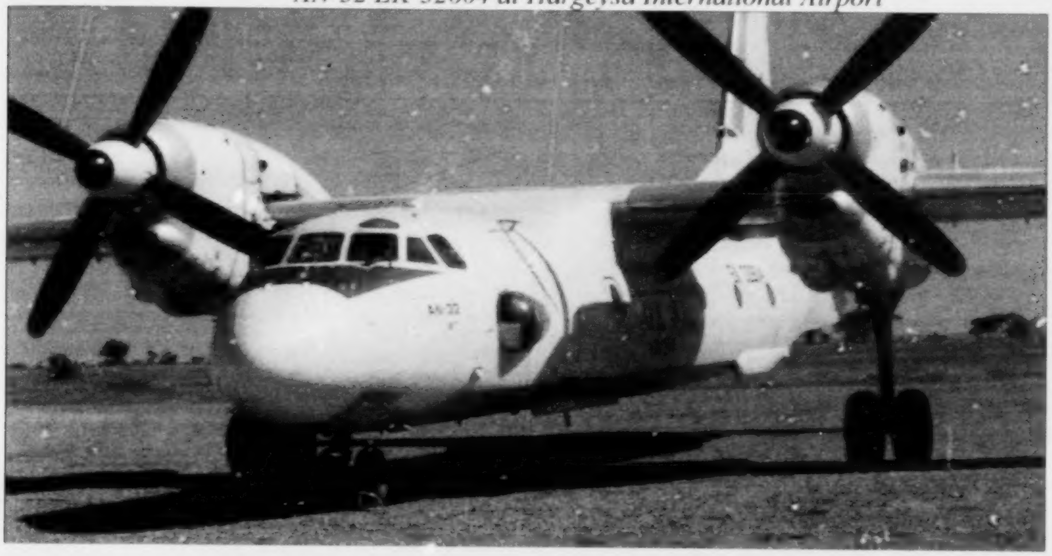
11/30/2010 O.R. TAMBO

ORIGINAL 1 (ISSUING CARRIER)

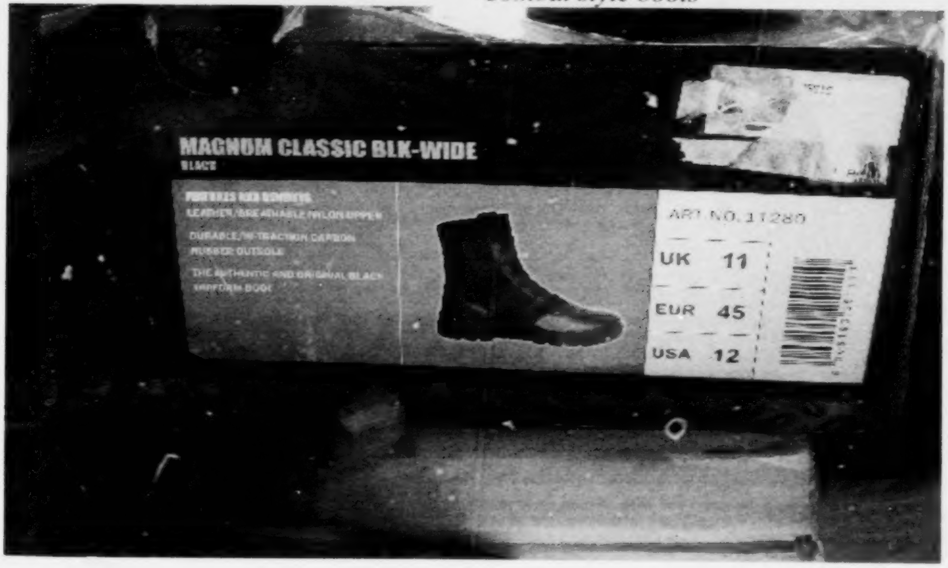
Annex 6.3.f.:
Images of An-32 EK-32604 with cargo for Saracen International, at Hargeysa, December 2010

1. The following images are of an Antonov An-32, bearing registration EK-32604, carrying supplies for the Saracen training camp in Puntland. The aircraft was seized by Somaliland authorities on 10 December 2010 at Hargeysa International Airport.

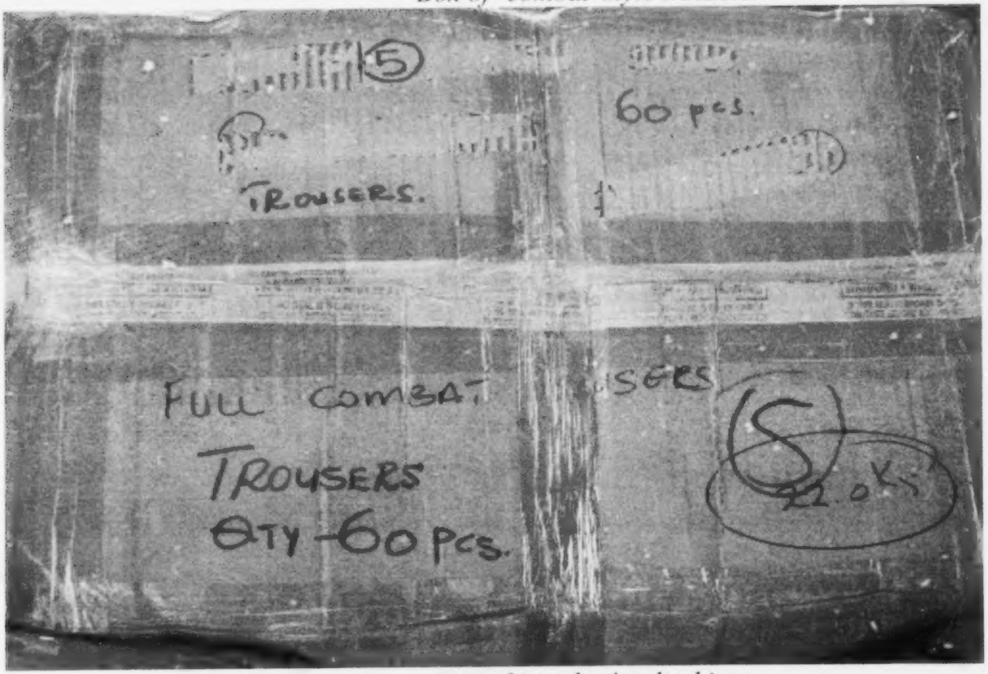
AN-32 EK-32604 at Hargeysa International Airport



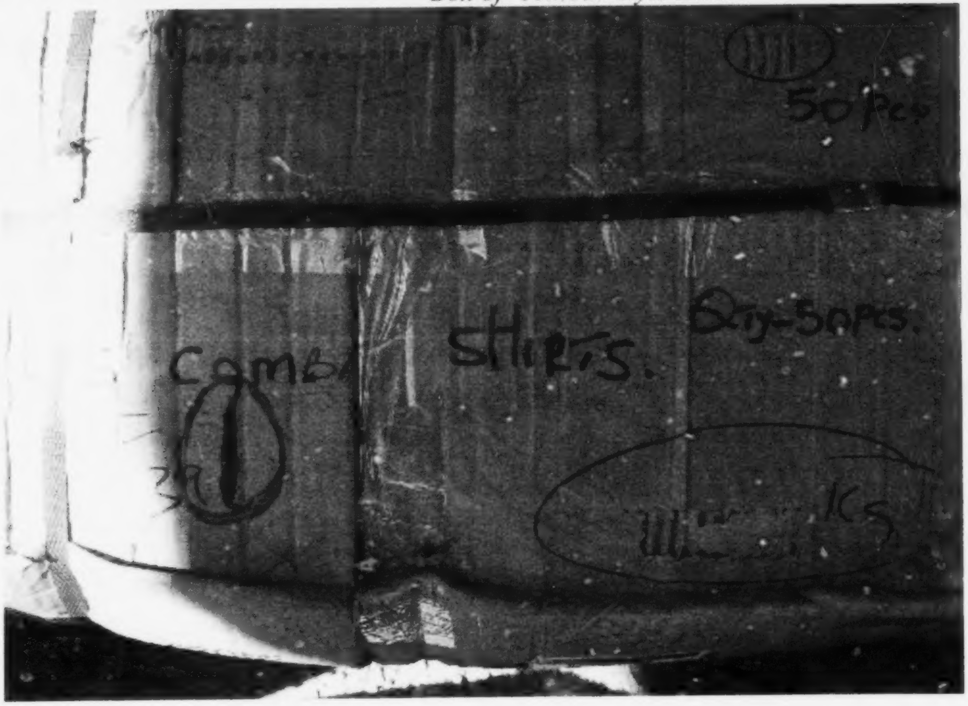
Combat style boots


MAGNUM CLASSIC BLK-WIDE
BLACK
ART NO. 11280
UK 11
EUR 45
USA 12

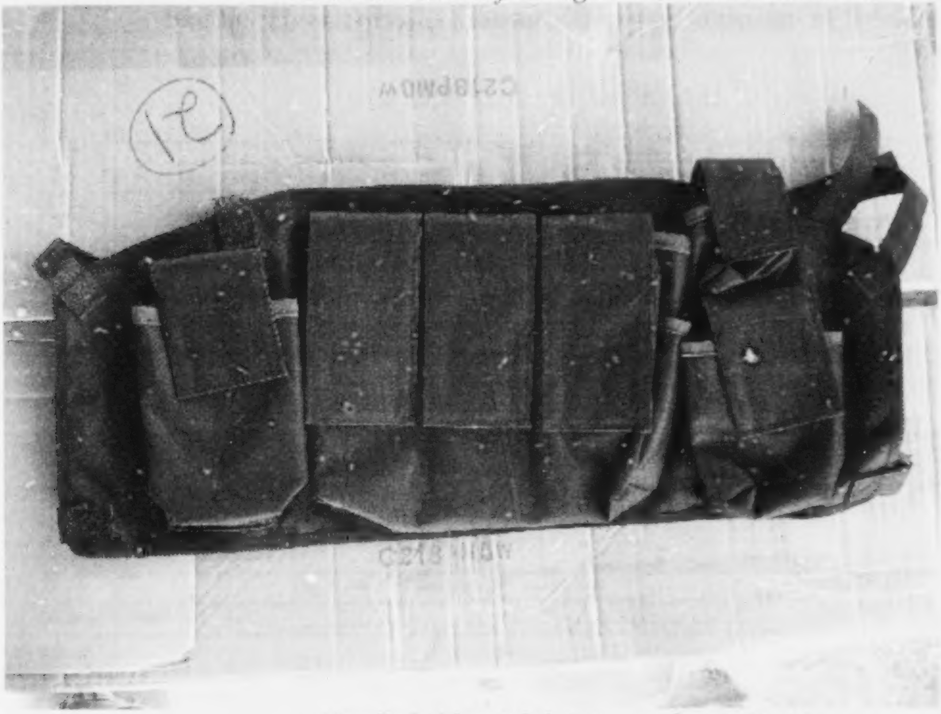
Box of 'combat' style trousers


5
60 pcs.
TROUSERS.
FULL COMBAT
USERS
TROUSERS
QTY-60 PCS.
S
22.0KG

Box of 'combat' style shirts


50 PCS
COMB
SHIRTS.
QTY-50 PCS.
KG

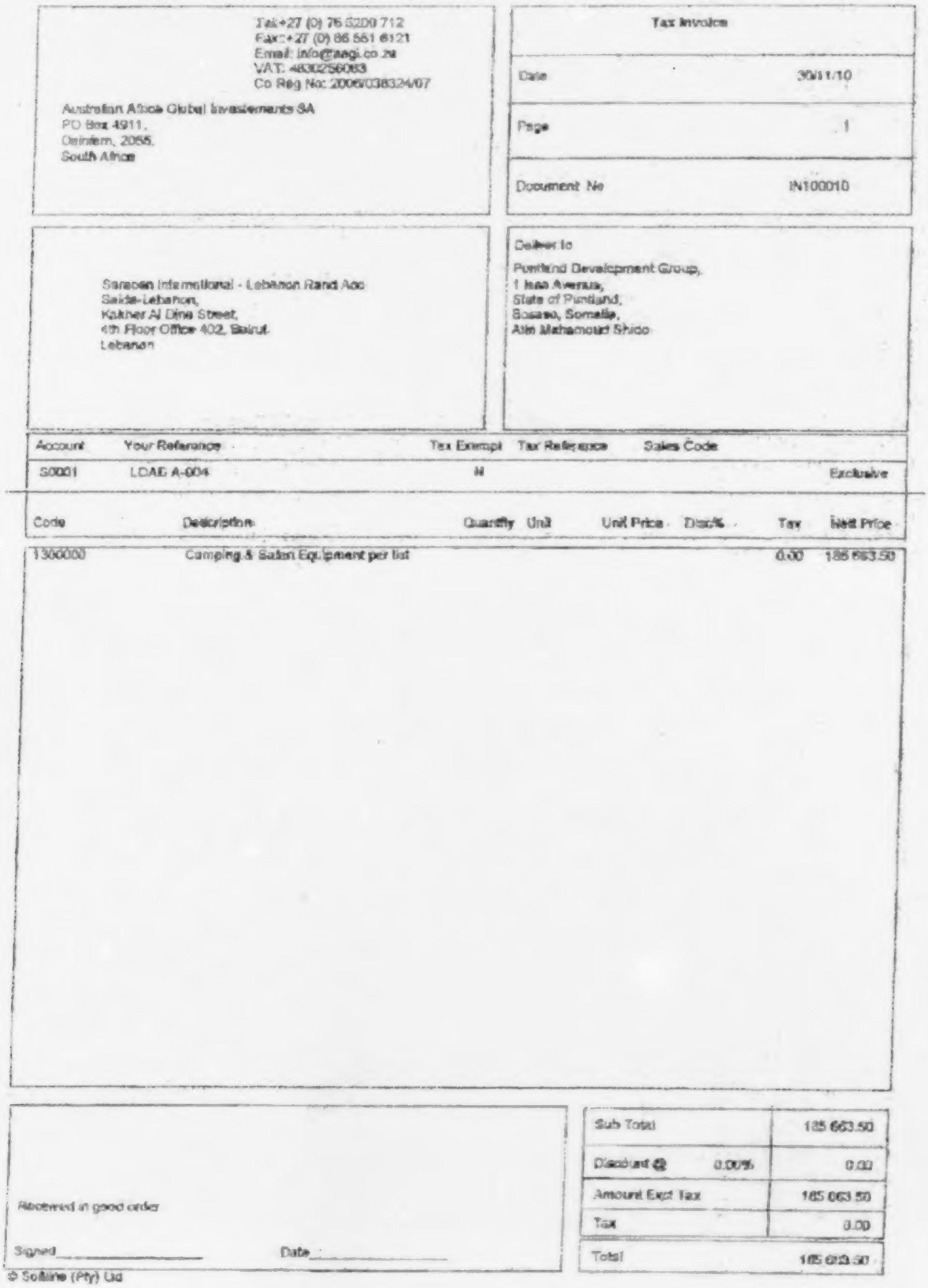
'Combat' harness for magazines, ammunition etc...



Handle held metal detector and security mirror

METAL DETECTOR
Hand Held Metal Detector
METAL DETECTOR

Annex 6.3.g.:
Australian African Global Investments invoice for Saracen International/Puntland Development Group



Tel:+27 (0) 76 5200 712
Fax:+27 (0) 86 561 6121
Email: info@aagi.co.za
VAT: 4830256083
Co Reg No: 2006/038324/07

Australian Africa Global Investements SA
PO Box 4911,
Dainfern, 2055.
South Africa

Tax Invoice

Date	30/11/10
Page	1
Document No	IN100010

Saracen International - Lebanon Rand Acc
Saide-Lebanon,
Kakher Al Dine Street,
4th Floor Office 402, Beirut
Lebanon

Deliver to

Puntland Development Group,
1 Isaa Avenue,
State of Puntland,
Bosaso, Somalia,
Atin Mahamoud Shido

Account	Your Reference	Tax Exempt	Tax Reference	Sales Code	
S0001	LOAD A-004	N			Exclusive

Code	Description	Quantity	Unit	Unit Price	Disc%	Tax	Nett Price
1300000	Camping & Salon Equipment per list					0.00	185 663.50

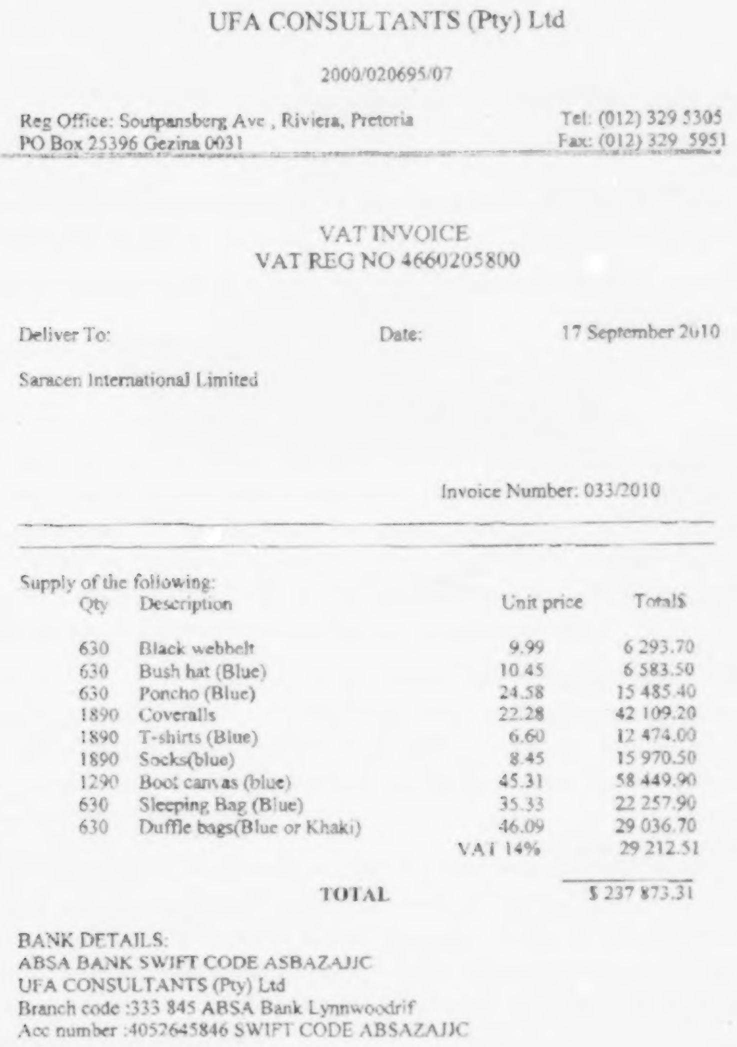
Received in good order

Signed________________ Date________________

Sub Total		185 663.50
Discount @	0.00%	0.00
Amount Excl Tax		185 663.50
Tax		0.00
Total		185 663.50

© Softline (Pty) Ltd

Annex 6.3.h.: UFA Consultants invoice for Saracen International



UFA CONSULTANTS (Pty) Ltd

2000/020695/07

Reg Office: Soutpansberg Ave , Riviera, Pretoria
PO Box 25396 Gezina 0031

Tel: (012) 329 5305
Fax: (012) 329 5951

VAT INVOICE
VAT REG NO 4660205800

Deliver To: Date: 17 September 2010

Saracen International Limited

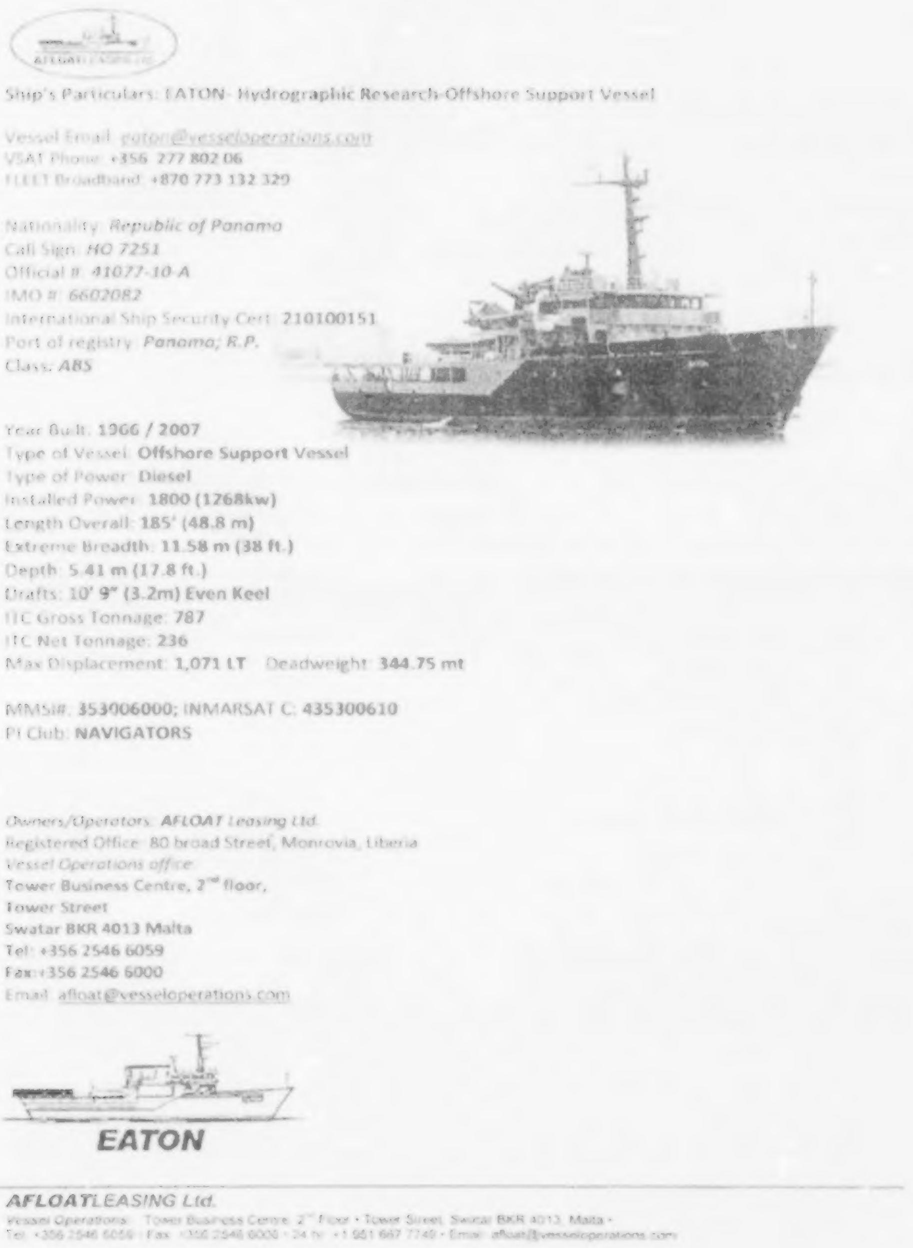
Invoice Number: 033/2010

Supply of the following:

Qty	Description	Unit price	Totals
630	Black webbelt	9.99	6 293.70
630	Bush hat (Blue)	10.45	6 583.50
630	Poncho (Blue)	24.58	15 485.40
1890	Coveralls	22.28	42 109.20
1890	T-shirts (Blue)	6.60	12 474.00
1890	Socks(blue)	8.45	15 970.50
1290	Boot canvas (blue)	45.31	58 449.90
630	Sleeping Bag (Blue)	35.33	22 257.90
630	Duffle bags(Blue or Khaki)	46.09	29 036.70
		VAT 14%	29 212.51
	TOTAL		$ 237 873.31

BANK DETAILS:
ABSA BANK SWIFT CODE ASBAZAJJC
UFA CONSULTANTS (Pty) Ltd
Branch code :333 845 ABSA Bank Lynnwoodrif
Acc number :4052645846 SWIFT CODE ABSAZAJJC

Annex 6.3.i.: MV Eaton — ship's particulars



Ship's Particulars: EATON- Hydrographic Research-Offshore Support Vessel

Vessel Email: eaton@vesseloperations.com
VSAT Phone: +356 277 802 06
FLEET Broadband: +870 773 132 329

Nationality: *Republic of Panama*
Call Sign: *HO 7251*
Official #: *41077-10-A*
IMO #: *6602082*
International Ship Security Cert: **210100151**
Port of registry: *Panama; R.P.*
Class: *ABS*

Year Built: **1966 / 2007**
Type of Vessel: **Offshore Support Vessel**
Type of Power: **Diesel**
Installed Power: **1800 (1268kw)**
Length Overall: **185' (48.8 m)**
Extreme Breadth: **11.58 m (38 ft.)**
Depth: **5.41 m (17.8 ft.)**
Drafts: **10' 9" (3.2m) Even Keel**
ITC Gross Tonnage: **787**
ITC Net Tonnage: **236**
Max Displacement: **1,071 LT** Deadweight: **344.75 mt**

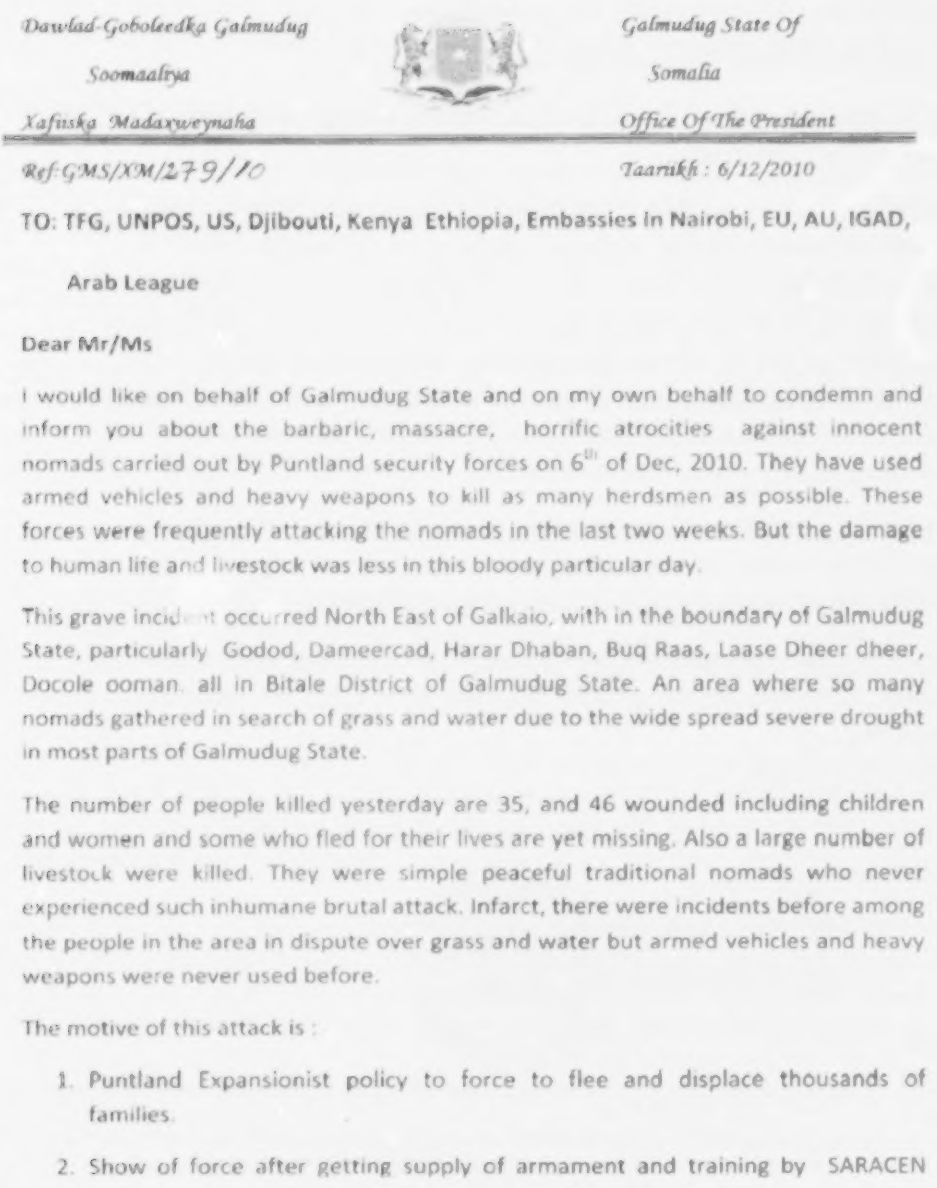
MMSI#: **353006000**; INMARSAT C: **435300610**
PI Club: **NAVIGATORS**

Owners/Operators: ***AFLOAT*** *Leasing Ltd.*
Registered Office: 80 broad Street, Monrovia, Liberia
Vessel Operations office:
Tower Business Centre, 2nd floor,
Tower Street
Swatar BKR 4013 Malta
Tel: +356 2546 6059
Fax:+356 2546 6000
Email: afloat@vesseloperations.com

EATON

AFLOAT*LEASING Ltd.*
Vessel Operations: Tower Business Centre 2nd Floor • Tower Street, Swatar BKR 4013, Malta •
Tel. +356 2546 6059 • Fax +356 2546 6000 • 24 hr +1 951 667 7749 • Email: afloat@vesseloperations.com

Annex 6.3.j.:
Gaalmudug letter to the international community concerning Saracen International



Dawlad-Goboleedka Galmudug
Soomaaliya
Xafiiska Madaxweynaha

Galmudug State Of
Somalia
Office Of The President

Ref:GMS/XM/279/10

Taarikh : 6/12/2010

TO: TFG, UNPOS, US, Djibouti, Kenya Ethiopia, Embassies in Nairobi, EU, AU, IGAD,

Arab League

Dear Mr/Ms

I would like on behalf of Galmudug State and on my own behalf to condemn and inform you about the barbaric, massacre, horrific atrocities against innocent nomads carried out by Puntland security forces on 6th of Dec, 2010. They have used armed vehicles and heavy weapons to kill as many herdsmen as possible. These forces were frequently attacking the nomads in the last two weeks. But the damage to human life and livestock was less in this bloody particular day.

This grave incident occurred North East of Galkaio, with in the boundary of Galmudug State, particularly Godod, Dameercad, Harar Dhaban, Buq Raas, Laase Dheer dheer, Docole ooman, all in Bitale District of Galmudug State. An area where so many nomads gathered in search of grass and water due to the wide spread severe drought in most parts of Galmudug State.

The number of people killed yesterday are 35, and 46 wounded including children and women and some who fled for their lives are yet missing. Also a large number of livestock were killed. They were simple peaceful traditional nomads who never experienced such inhumane brutal attack. Infarct, there were incidents before among the people in the area in dispute over grass and water but armed vehicles and heavy weapons were never used before.

The motive of this attack is :

1. Puntland Expansionist policy to force to flee and displace thousands of families.
2. Show of force after getting supply of armament and training by SARACEN

support to re-arm, attack and destroy the lives of innocent, badly drought hit population)

3. To disrupt destabilize Galmudug Adminstration.
4. To re-ignite the civil war and undermine international efforts to bring peace and stability in the region.

Therefore, we warn of the consequences of this recent violent activities of Puntland adimintration against the unarmed civilians. This will definitely cause a greater damage to the population in both administrations and displacement of thousands of families. Also, it will create an environment where Al-shabab and other extremist groups can operate. Galmudug have always been threatened by Alshabab in the South and Pirates off the 345 km coastline. Instead of allying with Galmudg authority, Puntland has opened a new front to Galmudug State to weaken the administration.

Our policy : enough is enough, live in peace and security with every community, spirit of reconciliation to resolve past disputes. Good neighbourhood, Cooperation not confrontation to develop our country.

Finally, we invite independent fact finding mission to come and see what's actually happening on the ground, the mass graves and the wounded in hospitals.

Kind Regards

H.E Mohamed Ahmed Alin

President of Galmudug State

Annex 6.4.: Case study: Afloat Leasing

1. Afloat Leasing Ltd., a Liberian-registered maritime company (IMO number 5540550), was established in 2010, apparently as a subsidiary of Saracen International (see Annex 6.3), and with the sole purpose of providing maritime support services to 'Saracen' operations in Somalia. In this context, the company owns and has been operating two Panamanian-flagged maritime vessels: the general cargo vessel MV Seafarer (IMO 8506414) and patrol vessel MV Eaton[1] (IMO 6602082).

Establishment and start-up

2. Afloat Leasing Ltd. was incorporated and registered in Liberia on 23 March 2010 (Registration Number C-113229) by 'Jamal Balassi', a Ukrainian national, who also served as both Chairman of the Board of Governors and Managing Director of Saracen International (Lebanon), which he had registered less than three weeks earlier.[2] Elected acting Director of the company, Jamal Balassi was assisted by Ms. Olena Komarcheva and Nataliya Yankovenka, both appointed acting Officers of the company. Balassi provided a PO Box number in Abu Dhabi as an address, but the documents of incorporation were couriered at the request of Mr. Balassi to his attention at: 'Liberia Hydro Tech', Ashmun & Johnson Street, Monrovia, Liberia. The official billing address or 'Address of Record' for the company was provided by Mr. Balassi as 'Flying Carpet S.A.L., Fakhr El Dean Street[3] Property 447, Section 20, 6th Floor, Saida, Lebanon.

3. Immediately engaged to provide logistical support for 'Saracen' operations in Somalia, Afloat Leasing Ltd., represented by its Director and signatory, Mr. Jamal Balassi, purchased on 26 May 2010 a general cargo ship named 'MV Irbe Venta, at a cost of US$2.5 million, from a shipping company in Latvia. The ship was physically transferred to Afloat Leasing at Naples, Italy in July 2010. The same month, the ship's name was changed to 'MV Seafarer', and subsequently flagged and registered with the Panamanian Registry.

4. On 13 July 2010, Afloat Leasing Ltd also acquired ownership of the 'MV McArthur' a maritime patrol vessel previously owned by 'Pelagian Maritime LLC', a subsidiary of the private security company Xe Services (formerly known as Blackwater) based in Moyock, United States. The vessel was subsequently renamed 'MV Eaton'.

5. Joseph D'Alfio, who had previously served as Captain of the MV McArthur on behalf of Xe Services, filed for the change of ownership, in his new capacity as 'Maritime Director' of Afloat Leasing, with an address in Malta at Tower Business Centre, 2nd Floor #235, Tower Street, Swatar, BKR 3013.[4] Apart from a 'change of ownership' document, the Monitoring Group has been unable to

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[1] 1965 build and Panama-flagged, designed to carry as much as 2 type MD 369F (MD530F) helicopters and has a helicopter landing platform.

[2] The Government of Lebanon confirmed registration of Saracen International S.A.L. (Lebanon) at the address of attorney Usama Abu Thahr, Dammam Building, 6th floor, Fakhreddin Street in Saida, Lebanon for the purpose of registration with the Beirut Commercial Registry.

[3] Official name: Fakhreddin Street.

[4] The same address in Malta was provided by Mr. Jamal Balassi when he signed the 'Protocol of Delivery and Acceptance' of the MV Irbe Venta.

find any other evidence that the MV McArthur was in fact sold to new owners and if so, who signed the sales agreement. A request for clarification and specific information was sent to 'Pelagian Maritime LLC', but no reply received.[5] A request to the Government of Panama for specific information relating to the MV Eaton and MV Seafarer, available at the Maritime Authority of Panama, was not granted. In the absence of information to the contrary, the Monitoring Group believes that the MV Eaton may remain the *de facto* property of Pelagian Maritime LLC.

Arriving in Djibouti

6. Repainted in grey and black and tasked to pick up a cargo in Durban, South Africa, newly-owned and -crewed MV Eaton and MV Seafarer left the port of Naples, Italy, on 15 September 2010. Sailing together through the Mediterranean and Red Sea both vessels arrived in Djibouti port on the morning of 28 September 2010.

7. To turn the MV Eaton into a well-protected anti-piracy vessel, a 12-man security detail was flown from South Africa, arriving in Djibouti late September 2010. In the meantime, Mr. Joseph D'Alfio, representing himself as 'Maritime Director' of Afloat Leasing Ltd., obtained a 30-day license from the Djiboutian Government via its local agent 'Djibouti Maritime Security Services' (DMSS), allowing the MV Eaton to operate from the port of Djibouti with armed security on board.[6] D'Alfio, in his communications with DMSS, insisted that the MV Eaton was not a maritime security or escort vessel and that it would not be employed in either role.[7] Nevertheless, the Djiboutian license permitted Afloat Leasing to equip their security personnel with 9 AK47 assault rifles and one Browning BAR.208 automatic rifle, leased from the Djibouti Government, and to deploy them on the MV Eaton.

8. The next day, on 29 September 2010, both MV Eaton and MV Seafarer left the port of Djibouti for Durban and sailed into the Gulf of Aden in easterly direction. 5 days later[8] and on its way to Durban, the MV Seafarer encountered engine failure[9] some 202 nautical miles SSE of Socotra. Having difficulty finding assistance, the vessel remained dead in the water until approximately 19 October 2010, when the tug boat Alpha Pina (IMO 7508790),[10] came to the rescue and towed the MV Seafarer, in convoy with the MV Eaton, to Mombasa, Kenya.[11] All 3 vessels arrived in the port of Mombasa on 30 October 2010. The convoy took the most direct route to Mombasa, sailing through Somalia's Exclusive Economic Zone (EEZ) between 22 and 27 October 2010.

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[5] In their response to a letter from the Monitoring Group, US private security company Xe/Blackwater stated that since 16 December 2010, Pelagian Maritime LLC was no longer affiliated with the company. Xe indicated to have forwarded the request of the Monitoring Group to the current owner. However, a reply from Pelagian Maritime LLC was never received.

[6] 3 times renewed according to 'Djibouti Maritime Security Services' (DMSS).

[7] Despite being a patrol or escort vessel providing maritime security, Afloat Leasing's Maritime Director Joseph D'Alfio has presented the MV Eaton as an 'OSV' (Offshore Supply Vessel) in all his communications with port authorities (see annex 6.3.i – MV Eaton ship's particulars).

[8] On 04 October 2010.

[9] Broken down steering gear.

[10] Owned by Mombasa based company 'Alpha Logistics Services (EPZ) Ltd.'

[11] While sailing from Mombasa to Socotra and back, the MV Alpha Pina was protected by an on board security team of private security company Salama Fikira.

Mombasa (Kenya)

9. On 24 November 2010, the MV Eaton and the MV Seafarer were still docked at Mombasa port between Mbaraki Wharf and Likoni Ferry, adjacent to the F931 Louise-Marie, a Belgian frigate attached to EU NAVFOR's Somalia anti-piracy operation. Their extended stay was allegedly due to a deferred delivery of some spare parts.

10. In addition to the vessels' regular crew,[12] the 12 South African security guards who boarded the MV Eaton in Djibouti were still present. A document containing a list of names showed that the 12 South Africans were actually part of a 22 men strong security team, all South Africans, but not all present in Mombasa. The document letterhead also showed the name of a South African company: 'AAGI (PTY) Ltd', a company registered in South Africa and Australia, owned by the owner of Saracen International (South Africa), Lafras Luitingh (see Annex 6.3).

11. Upon arrival in Mombasa, the MV Eaton accurately declared the arms and ammunition previously boarded in Djibouti. However, the document provided to the authorities in Mombasa indicated that during the vessel's journey, 25 rounds had been fired.

12. A pre-arrival document of the MV Eaton identified Joseph Russel D'Alfio as the company's 'Security Officer' and gave the contact number for Afloat Leasing Ltd as +1 619 9524750, a cell phone number registered in San Diego,[13] USA, Mr. D'Alfio's hometown. The MV Eaton's previous ports of call, since owned by Afloat Leasing Ltd, were identified as Naples (Italy) and Djibouti (Djibouti). Its next port of call was mentioned as Durban (South-Africa).

13. When asked, the South African security men on board the MV Eaton gave vague and inconsistent replies about their assignment and the vessels' activities. One called the MV Eaton a 'research vessel', another called it a "support vessel", while a third referred to "fighting piracy".

14. Both vessels carried no cargo while in Mombasa port. Local logistical support and shipping services were facilitated by Sturrock Shipping (Kenya) Ltd.

Durban (South Africa)

15. On 11 December 2010 the MV Eaton and MV Seafarer left the port of Mombasa, sailing south. On 15 December 2010 both vessels were spotted together in the Strait of Madagascar.

16. Verification with South African authorities revealed that the MV Seafarer was indeed provisionally scheduled to berth at Maydon Wharf Multi-Purpose Terminal , berth 9 on 20 December 2010, and due to pick up a consignment of 400 containers. However, there was no indication of a visit from the MV Eaton to Durban.

17. On 19 December 2010 the MV Seafarer arrived alone in the port of Durban.

---

[12] 23 crew members in total (12 on the MV Eaton and 11 on the MV Seafarer).

[13] San Diego, home of Xe's (Blackwater) training center.

18. It eventually emerged that 119 containers[14] and 16 break-bulk consignments were scheduled for export from South Africa on the MV Seafarer. Documents obtained by the Monitoring Group showed that the consignment was shipped by two South African companies: AAGI (owned by Lafras Luitingh) and UFA Consultants (PTY) Ltd., owned by the CEO of Saracen International (Uganda), Willem Hendrik Pelser. Consignees of the shipment were identified as 'Saracen International Lebanon' and 'Danat Al-Emarat Commercial Broker Company'.[15] All freight handling and port storage fees, fuel and maintenance costs of the MV Seafarer were paid by AAGI.

19. On 23 December 2011 the MV Seafarer left the port of Durban and headed for Sharjah, UAE, without the usual escort of the MV Eaton. Given the nature and presumed final destination of the consignment, the Monitoring Group believes that the MV Seafarer intended to call at Bosasso, Somalia, to discharge cargo for the Saracen International operation in Puntland.

20. Three days after the MV Seafarer's departure,[16] the MV Eaton called unexpectedly at the port of Durban. Only 5 security personnel were on board, with no weapons. A subsequent interview with Luitingh revealed that the weapons on board the MV Eaton and 7 security men had been transferred at sea to the MV Seafarer.[17]

21. The MV Eaton remained more than one month in Durban, the time required for having its fitness quarters converted into a medical clinic with operating table. The vessel left Durban on 13 February 2011 with a crew of 12 Philippine nationals, 7 security personnel and one passenger on board, the latter describing himself as a film maker / photographer.[18] The MV Eaton was also carrying two white Alouette III helicopters, for 'temporary export'.[19] It is likely that weapons were brought on board the vessel, either before or soon after it departed Durban.[20] The MV Eaton's declared destination was Aden, Yemen.

22. The 'Maritime Director' of Afloat Leasing Ltd and operator of both the MV Eaton and the MV Seafarer was identified to authorities in Durban as Joseph D'Alfio, with offices in Malta.[21] D'Alfio described the MV Eaton to the Durban authorities as an 'Offshore Support Vessel'. Again, the refurbishment, the handling and clearing, fuel, maintenance and other local shipping costs provided to both the MV Eaton, were paid by AAGI.

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[14] Including 115 refurbished 20' containers or prefabricated buildings used as housing, kitchen and ablution facilities for the purpose of building a construction camp.

[15] Address: Bur Dubai — Aud Mitha, Al Nasser Plaza Al Nasser Club, Office 118, Dubai, UAE.

[16] Arriving on 26 December 2010.

[17] Interview with Mr. Lafras Luitingh on 13 January 2011 in Pretoria, South Africa.

[18] Jean Bernard Rutagarama, a British citizen and New York-based film maker. Rutagarama was vague about his assignment, and before his departure from Durban claimed to have no idea about the vessel's next port of call.

[19] Type 316 B with registration A/C 1: ZU-RFD and frame number 1136 / A/C 2: ZU-RFC and frame number 1860. Both helicopters hold no registration markings.

[20] At Richards Bay (94 nautical miles NE of Durban) it is not uncommon to illegally transfer weapons onto ships via small ski or speed boats.

[21] Same address as previously indicated.

Sharjah (UAE) and Salalah (Oman)

23. Having left Durban on 23 December 2011 for Sharjah, UAE, with an estimated time of arrival (ETA) of 19 January 2011, the MV Seafarer was next sighted off Mozambique on 25 December 2011. The ship then reappeared NE of Socotra (Yemen) on 9 January 2011, where it had reduced speed and made an unusual change course in an unusual direction, suggesting engine trouble or a pirate attack. The ship was not sighted again until arriving in Sharjah on 24 January 2011.

24. The reason for the ship's suspicious and unexpected movements became only clear later, when it was revealed that the MV Seafarer's real intention was to visit Salalah, Oman, instead of Sharjah. However, because Afloat Leasing Ltd. Had neither a license nor authorization to have one of its ships enter the port of Oman with armed security guards on board, it had contacted DMSS in Djibouti to organize a 'rendez-vous' at sea in order to return the leased weapons. As requested, DMSS then sent its crew/fast supply vessel 'MV Stanford Nile' out to sea to pick-up the weapons. The transfer took place between 10 and 14 January 2011.

25. Once the weapons were disembarked, the MV Seafarer headed straight to the port of Salalah, Oman, where it arrived at anchorage for bunkering at 15 January 2011. According to Salalah Port Authorities the vessel stayed at anchorage until it departed for Jebel Ali, UAE, on 18 January 2011. It was further confirmed that the vessel had not berthed or discharged any cargo in Salalah.

26. On 24 January 2011 the MV Seafarer arrived in the port of Sharjah and shifted later to the port of Hamriyah where it has been docked until the time of writing.[22] The MV Noora Moon 1, another cargo vessel, which like the Seafarer has operated in support of Saracen operations in Somalia, was docked in Sharjah, UAE, since 28 November 2010, and did not leave the UAE until at least early April 2011.[23]

Port Victoria (Seychelles)

27. Leaving Durban with indication of routing to Aden, Yemen, the MV Eaton unexpectedly arrived in Port Victoria (Seychelles) on 25 February 2010.

The Seychelles authorities were initially informed that an urgent need for repairs had forced the crew to re-route to Port Victoria. However, when Joseph D'Alfio arrived in the Seychelles by air on 1 March 10, he claimed that the MV Eaton's presence in Victoria was due to dissatisfaction with the security team on board of vessel and that he wanted them off.[24] Later, he added that it was his company's intention to obtain a Seychelles license to operate the MV Eaton from port Victoria with armed security guards on board.

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[22] At least until 28 May 2011.

[23] Possibly due to the suspension of training activities in Puntland communicated to the Monitoring Group by Saracen in its letter of 17 February 2011.

[24] Monitoring Group received confirmation that the security team left the Seychelles by air on 3 March 2011.

28. On board of the MV Eaton were 12 Philippine crew, 7 South African security personnel and one British passenger.[25] The vessel carried 2 white Alouette III helicopters and two high-speed rigid inflatable boats (RIBs), one of which was equipped with radar. In addition, 2 crossbows and 2 RAP4's (paintball capable M4 rifles)[26] were declared to customs. The ship also held 8 to 10 sets of weapons cleaning kits, sets of body armour and helmets. It did not declare any weapons.

29. D'Alfio claimed to the authorities that the two helicopters were to be transported to the UAE, where they have been sold to a small company to be dismantled and used for spare parts. He was unable, however, to identify the company that bought them, nor could he identify the port where the helicopters ought to be delivered. His statement appeared to contradict documentation showing that both helicopters had recently been serviced and stored in a manner that benefits operational deployment, as well as the declaration in Durban that they were only for 'temporary export'.

30. Afloat Leasing's local contact in the Seychelles appears to be a Mr. Roy Fonseka, Managing Director and founder of Pilgrims Security Ltd., a private security company based in the Seychelles.[27] Fonseka, was apparently trying to set up a business in maritime counter piracy operations, allegedly involving the use of the MV Eaton. He was said to be representing Afloat Leasing for that purpose, according to local officials in the Seychelles.

31. On 4 March 2010, Mr. Colin Patrick Moran[28] arrived in the Seychelles, coming from Dubai, UAE.[29] A Canadian citizen and 'Director of Operations, Afloat Leasing Services', he was introduced as being D'Alfio's boss. The purpose of Moran's visit to the island, as already indicated by Mr. D'Alfio, was to seek advice and permission from the Seychelles Government to set up a permanent and operational base for the company in port Victoria with the intention of importing arms and ammunition to equip its own vessel security guards. The MV Eaton would then be based in port Victoria and used for the purpose of ferrying security men and weapons onto Afloats' vessels in the vicinity of the Seychelles. Moran left the Seychelles by air on 8 March 2010. Later Afloat Leasing Ltd. officially applied for such a license.

32. On 8 April 2011, South African national Mr. Van Wyk Andrew[30] arrived in the Seychelles from Johannesburg via Dubai, to strip down the 2 helicopters aboard the MV Eaton for onward transit. He was joined on 14 April 2011 by another South African national named Joubert Johannes.[31] Both men stated that the helicopters would be trans-shipped to UAE.

33. In mid June 2011, the MV Eaton was still docked in the port of Victoria.[32] Local shipping services provided to the vessel had been arranged by Aquarius Shipping Ltd, based in the Seychelles. While first payments were provided to Aquarius in cash, further payments were expected by wire from

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[25] Previously identified as Jean Bernard Rutagarama, photographer/film maker

[26] Automatic paintball marker designed like a real assault rifle, which only uses 1.5 joules of energy to launch a 0.029 oz. projectile a distance of 33 meters. The RAP4 can be fired 50 times with only 0.4 oz of CO2.

[27] Fonseka was reportedly arrested in the Seychelles in 2000 for illegal possession of a fire arm and ammunition.

[28] Full name Colin Patrick Joseph Moran.

[29] On the same day, Mr. Joseph D'Alfio left the Seychelles by air.

[30] Full name Van Wyk Andrew Peter.

[31] Full name Joubert Johannes Wilhemus

[32] Possibly due to the suspension of training activities in Puntland communicated to the Monitoring Group by Saracen in its letter of 17 February 2011.

Nomad Freight (PTY) Ltd., the MV Eaton's and MV Seafarer's local shipping agent in Durban, whose services to the MV Eaton and MV Seafarer were previously compensated by AAGI.

MV Inchon

34. The MV Inchon (IMO 8224535), Sierra Leone-flagged and described by its previous owner as a 'landing craft' is the newest Afloat Leasing Ltd. the third vessel in its fleet.[33] The vessel was bought last year in December 2010 from 'Al Jaber Shipping Agency and Marine Works LLC', a maritime company based in Abu Dhabi, UAE, and was renamed, reflagged and newly registered in January 2011. The vessel can be used as a helicopter landing and deployment platform but also to provide wide ranging logistical support.

35. At the time of writing, the vessel was docked in the UAE, Hamriyah (Sharjah) and would, according to its new owner, become operational in the coming months. Afloat Leasing Ltd. is further also looking for a refueling tanker vessel as a prospective purchase and has indicated the intention to expand its fleet size from three vessels to five.[34]

Bank Accounts

36. Information obtained by the Monitoring Group reveals that the operational costs of Afloat Leasing Ltd have been paid by a variety of entities, from various accounts with various banks in different countries. This web of payments appears to have been designed to complicate tracing, and to conceal the identity of the principal financiers of Afloat Leasing Ltd and — by extension — Saracen International.

37. The payment to the previous owner of the MV Irbe Venta, for example, was partly transferred from an account with the Liberia AccessBank in Monrovia, Liberia,[35] and partly from an account with the 'Trans Iraq Bank' in Dubai, UAE.[36]

38. The payment to DMSS in Djibouti for the weapons licenses and the leased weapons was wired from a bank account by name of 'Saracen International Limited' with the Standard Chartered Bank in Hong Kong, China.[37]

39. The purchase of the MV Inchon was paid for by a company called 'World Management International'[38] from a bank account with 'Credit Suisse AG' in Geneva, Switzerland.[39]

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[33] The MV Inchon is an open deck cargo vessel onto which cargo is loaded and unloaded over a bow door/ramp. Its previous owner was Al Jaber Shipping Agency and Marine Works LLC, based in Abu Dhabi, UAE - http://www.ajshipping.com/fleets/popupFleet.aspx?fleet=aj17.

[34] Afloat Leasing's application for a license filed in the Seychelles (14 March 2011) indicates the ownership of a 4th vessel, chemical product tanker MV Aurelia (IMO 9084475). However, according to maritime databases, the vessel is provisionally still named MV Asprey and under ownership of Apnea Navigation Inc, a company registered Liberia, Monrovia, Broad Street 80.

[35] Account registered on the name of Jamal Mohamed Balassi (Afloat Leasing Ltd).

[36] Trans Iraq Bank in Dubai has not provided the Monitoring Group with any of its requested information.

[37] Afloat's Djibouti license was reportedly renewed 3 times.

[38] A finance and trade company with headquarters in Geneva, Switzerland and with a main operating branch in Abu Dhabi, UAE. The company is a major exporter of products related to the Oil & Gas sector.

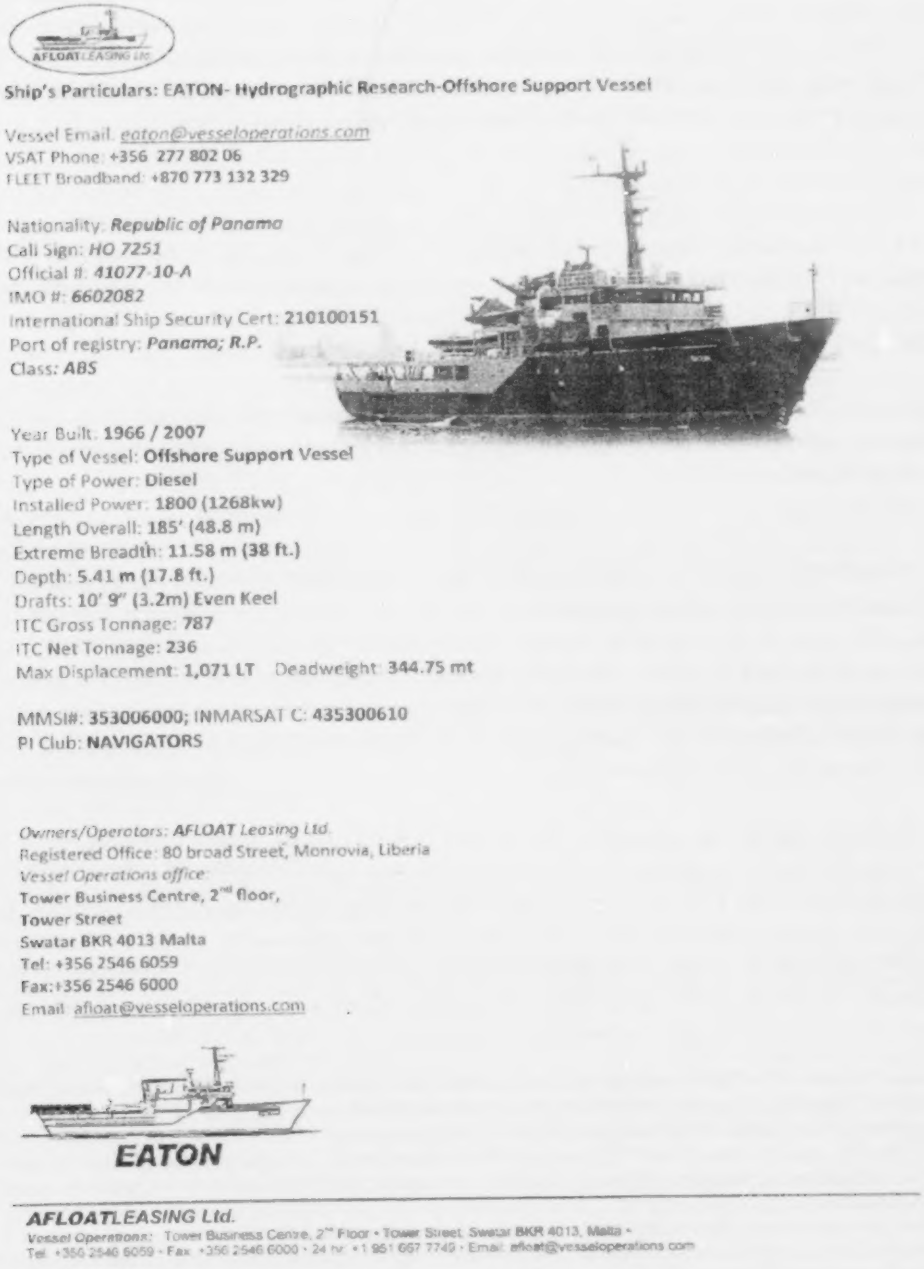
[39] Signed by a Mr. Mohamed El Shafie, General Manager at World Management International, Abu Dhabi, UAE.

40. The classification and survey company for the MV Seafarer registered a bank account with 'Deutsche Bank' for its client and identified 'Flying Carpet S.A.L. Lebanon' as the registered payer for services provided to Afloat Leasing Ltd., the latter with address in Malta.

41. A 17 December 2010 payment to the 'American Bureau of Shipping', the classification and survey company for the MV Eaton could, according to the company, not be identified by its receiving bank 'Royal Bank of Scotland/ABN AMRO' in Spain.

42. Various costs incurred in Durban, South Africa, including the equipment shipped for Saracen operations in Somalia, transport and forwarding costs, local port fees and services provided to the MV Seafarer and MV Eaton, etc., were paid for by Willem Hendrik Pelser and Lafras Luitingh via their respective South African companies, AAGI and UFA Consultants, through bank accounts registered with South African banks.

Annex 6.4.a.: MV Eaton - Ship's Particulars



Ship's Particulars: EATON- Hydrographic Research-Offshore Support Vessel

Vessel Email: eaton@vesseloperations.com
VSAT Phone: **+356 277 802 06**
FLEET Broadband: **+870 773 132 329**

Nationality: ***Republic of Panama***
Call Sign: ***HO 7251***
Official #: ***41077-10-A***
IMO #: ***6602082***
International Ship Security Cert: **210100151**
Port of registry: ***Panama; R.P.***
Class: ***ABS***

Year Built: **1966 / 2007**
Type of Vessel: **Offshore Support Vessel**
Type of Power: **Diesel**
Installed Power: **1800 (1268kw)**
Length Overall: **185' (48.8 m)**
Extreme Breadth: **11.58 m (38 ft.)**
Depth: **5.41 m (17.8 ft.)**
Drafts: **10' 9" (3.2m) Even Keel**
ITC Gross Tonnage: **787**
ITC Net Tonnage: **236**
Max Displacement: **1,071 LT** Deadweight: **344.75 mt**

MMSI#: **353006000;** INMARSAT C: **435300610**
PI Club: **NAVIGATORS**

Owners/Operators: ***AFLOAT*** *Leasing Ltd.*
Registered Office: 80 broad Street, Monrovia, Liberia
Vessel Operations office:
Tower Business Centre, 2nd floor,
Tower Street
Swatar BKR 4013 Malta
Tel: +356 2546 6059
Fax:+356 2546 6000
Email: afloat@vesseloperations.com

EATON

AFLOATLEASING Ltd.
Vessel Operations: Tower Business Centre, 2nd Floor • Tower Street, Swatar BKR 4013, Malta •
Tel. +356 2546 6059 • Fax +356 2546 6000 • 24 hr: +1 951 667 7749 • Email: afloat@vesseloperations.com

Annex 6.5.: Case study: Protection Vessels International

1. In December 2010, a vessel named the Sea Scorpion, owned and operated by Protection Vessels International Ltd. (PVI), a UK-based private maritime security company established in 2008, entered Eritrean territorial waters with security personnel, weapons and equipment. The Eritrean authorities subsequently seized the vessel and detained the crew, and have since accused PVI of "orchestrating acts of espionage and terrorism."[1] In meetings with Eritrean officials in Asmara in February 2011, the Monitoring Group requested additional information, but received no reply.

Summary of events[2]

2. PVI provides armed counter-piracy security services to vessels in the Red Sea and Gulf of Aden. According to PVI, because of the lack of an operational 'port base' in the Red Sea, the Sea Scorpion was deployed as a floating platform for storing and transferring weapons, equipment and personnel between operations.[3]

3. In early-December 2010, a combination of circumstances obliged PVI to operate the Sea Scorpion for unscheduled and unplanned assignments, which resulted in the vessel consuming more fuel than expected.

4. On or about 14 December 2010, driven by bad weather and a desperate need for fuel, the Sea Scorpion anchored close to an island north of the Eritrean port of Massawa, to wait for the weather to improve and to consider possible options.[4]

5. PVI contacted the Eritrean authorities by radio to request a visit by the Sea Scorpion to the port of Massawa for refueling and re-supply, but claim not to have received a clear response. Through non-Eritrean channels however, PVI learned that the Eritrean authorities would impound the vessel and its crew if it entered the port with weapons.

6. In order to clarify the situation, PVI's port liaison officer, Chris Collison, flew to Massawa to explore possible local assistance from port or shipping agents.[5] According to PVI, the company had very little contact with Collison during his visit to Eritrea, due to communications limitations, but were at some point informed that sufficient fuel and provisions could be supplied at a cost of US$25,000, payable to a local Eritrean shipping agent identified as 'Finan Ships & Port Services Corporation'. Collison introduced himself to 'Finan' as a representative of 'Quest Expeditions',

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[1] Press release: "Crimes of the British Institution PVI and its members in Eritrea". Ministry of Foreign Affairs of the Government of the State of Eritrea, 7 June 2011. Accessed at http://www.shabait.com/news/local-news/5925-press-release

[2] Based on extracts from an official PVI statement (21 Jan 11), an interview conducted with PVI's managing director Barry Roche, London 10 Feb 2011, and the press release: "Crimes of the British Institution PVI and its members in Eritrea". Ministry of Foreign Affairs of the Government of the State of Eritrea, 7 June 2011. Accessed at http://www.shabait.com/news/local-news/5925-press-release

[3] See annex 6.4.a

[4] Technically, the company may then already been in breach with the arms embargo on Eritrea.

[5] PVI estimates Collison's arrival date in Massawa to be between 12 and 15 December 2010, but isn't able to confirm due to the fact that Collison is still detained in Massawa. The Government of Eritrea states that he applied for a visa on 13 December 2010 and arrived in Asmara by air on 17 December 201.

another company owned by PVI Director Dom Mee, afraid that identifying himself as a representative of a private security company might have complicated things. The Eritrean Government accuses Collison of having posed as a tourist to conceal his real identity and giving a "fabricated account" of his business in Massawa.

7. On or about 17 December 2010, PVI decided to sail the Sea Scorpion and two rigid-hulled inflatable boats (RHIB's)[6] to Massawa for refueling and resupply.[7] However, prior to sailing, one of the RHIB's[8] was dispatched to a nearby Eritrean island where all the weapons and security equipment is temporarily left behind, hidden and guarded by 8 men. According to the Eritrean Government, PVI personnel actually made several visits to Romia Island, the first of which took place on 22 November 2010, where they conducted a reconnaissance patrol which they recorded on video footage.[9]

8. Meanwhile, in the port of Massawa, the Sea Scorpion took on fuel and provisions, but lacked the money to pay for them.[10] An initial plan to fly the cash to Massawa had to be abandoned because London Heathrow airport was closed for three days due to weather conditions.[11] According to PVI the money was eventually wired to the relevant 'Payment Agent' as agreed upon and proof of the payments was emailed to the Sea Scorpion to facilitate their departure.[12] In Massawa, however, either confusion or a dispute over payment persisted and, with the matter unresolved, the Sea Scorpion and its crew, carrying only one RHIB,[13] left port prematurely on 23 December 2010 around 1930PM Local Time (LT).[14] According to the Eritrean Government, PVI had not obtained permission to depart and the Sea Scorpion sailed with its lights off.

9. Soon after the Sea Scorpion's departure the vessel was intercepted by an Eritrean naval vessel. The remaining RHIB was immediately dispatched to the island to collect the 8 men, weapons and equipment, but was overloaded and much of the gear had to be left behind.[15] While the Sea Scorpion and the four personnel aboard were taken into custody by the Eritrean authorities, the RHIB and its passengers were picked up later by a 'customer vessel', a container ship for which PVI was due to provide and armed security escort.[16]

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[6] The RHIBs needed repairs to tubes, according to PVI.

[7] There is some discrepancy over dates: according to the Eritrean Government, Collison departed Asmara for Massawa on 18 December 2010, and contacted the Finan offices in Massawa on 19 December 2010.

[8] Registration number KC252

[9] In their 7 June 2011 press release the Eritrean Government accused PVI of having already visited or anchored at Romia Island on 22, 26 and 30 November 2010. PVI only acknowledges having anchored the Sea Scorpion at Romia Island on 30 November 2010, due to the technical failure of one of its engines, and refutes the other allegations.

[10] According to PVI, the vessel was allowed only 1500l of fuel, which was less than requested, and insufficient to undertake its planned voyage Estimated at 5 freezers worth of meat, vegetables, etc ...

[11] Due to weather conditions Heathrow Airport (London) closed down on 18-19 and 20 December 2010.

[12] On 23 December 2010 PVI wired US$ 9,000 to Citibank New York, for the benefit of 'Sinan Shipping Corporation', for settling of 'port admin charges'; on 24 December 2010, PVI wired an additional US$6,100 to the Bank of Eritrea, for the benefit of 'Finan Ships & Port Services Corporation Massawa', for settling of the costs for fuel and provisions.

[13] RHIB Pacific 22 was left in the port of Massawa as it was not reparable due to complete failiure of her stern and shaft.

[14] Confusion may have arisen over the issue of payment since only one payment (for fuel and provisions) had been settled by PVI on 23 December 2010. A second payment (port and admin charges) was not transferred until 24 December 2010.

[15] Later found and seized by Eritrean authorities (see annex 6.4.b)

[16] The container ship disembarked the RHIB after passing through the Bab El Mandeb (near Ras Bir). Later, the RHIB re-appeared, unannounced, in the port of Djibouti, on 26 December 2010 at 1000hrs LT, with weapons and security guards on board.

10. Four PVI employees spent almost six months in detention in Eritrea. On 7 June 2011, the Eritrean Ministry of Foreign Affairs issued a communiqué asserting that the detainees would be "held accountable for organizing acts of terrorism and sabotage, as well as concealing evidences [sic]," and made reference to a "legal process." However, on 12 June 2011, the British Foreign and Commonwealth Office announced the release of the four men, and thanked the Government of the State of Qatar for facilitating their return.[17]

Conclusions

11. It is the assessment of the Monitoring Group that the Sea Scorpion's entry into Eritrean territorial waters carrying arms, ammunition, and military equipment technically constituted a violation of the arms embargo imposed on Eritrea pursuant to Security Council resolution 1907 (2009). However, the Monitoring Group has seen no evidence to suggest that the arms, ammunition and equipment in question were destined for import to, or use in, Eritrea.

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[17] Foreign and Commonwealth Office press statement, "Foreign Office welcomes release of British men from Eritrea", 12 June 2011. Accessed at http://www.fco.gov.uk/en/news/latest-news/?view=News&id=613189882

Annex 6.5.a: Abandoned weapons, ammunition and equipment in Eritrea

Motor Yacht 'Sea Scorpion' (Protection Vessel International Ltd.)

Abandoned weapons, ammunition and equipment in Eritrea

Weapons:

- 9 SIG pistols
- 12 SIG rifles
- 2 AR 10 rifles
- 1 FAL rifle
- 1 Tikka 3 (308) rifle
- 2 SAR M14 rifles

(and related ammunition)

Equipment:

- 2 night sights
- 9 Vertex Radio
- 3 'Spotme' devices
- 2 Satellite phones
- 1 night vision goggle
- 2 binoculars
- 2 Cobra security cables
- 14 body armours and helmets

Annex 6.6.: Responses from private maritime security companies

1. In total twenty nine (29) private maritime security companies were approached of which six (6) companies claimed not to be involved yet in providing 'armed' protection.[1] One of these, Mercator International Ltd., claims to only act as a 'charterer' for PMSC's, but has been found taking responsibility for security personnel, weapons and ammunition in that capacity as well. Of the remaining 23 companies:

2. Nine (9) companies have failed to respond to the Monitoring Group's letters:
    1. Armaments Ltd. (Kenya)
    2. Advanfort Company (USA)
    3. Barantas Security Group Ltd. (New Zealand)
    4. EOS Risk Management Ltd. (UK)
    5. Gallice Security (France)
    6. International Project Management FZE (UAE)
    7. Orchid Maritime Ltd. (UK)
    8. REDFour Security Group (UK)
    9. Securewest International Inc. (UK)

3. Seven (7) companies have provided no information in response to the Monitoring Group's letters:

    1. Espada Logistics and Security Group, Inc. (USA)
    2. Maritime Asset Security and Training — MAST (UK)
    3. Naval Guards Ltd. (UK)
    4. Shield Consulting Co (Korea)
    5. Solace Global Maritime (UK)
    6. Spear Security Group (PTY) Ltd. — SSG (South-Africa)
    7. Vessel Offshore Management Pte Ltd. (Singapore)

4. Two (2) companies have provided limited information in response to the Monitoring Group's letters:

    1. International Ships Support Group — ISSG (UK)
    2. Muse Professional Group Ltd. (Seychelles)

5. Five (5) companies fully cooperated by providing all the requested information:

    1. Drum Cussac (UK)
    2. Group 4 Securicor (Djibouti)
    3. Gulf of Aden Group Transits (Seychelles)
    4. Neptune Maritime Security (UK)
    5. Triskel Services (UK).

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[1] Either because they were still exploring legal issues, or they were still setting up their logistical and operational network, or they hadn't developed any clients yet.

Annex 7

Obstruction of humanitarian assistance

Annex 7.1.: Acts of obstruction against humanitarian operations

Annex 7.1.a.:

Summary of major acts of obstruction against humanitarian operations by date (2010 / early 2011)[1]

*Please note: Incidents during which Al-Shabaab demanded taxes, fees, or registration do not indicate payment, unless evidence is duly noted.
*Please note: The majority of incidents described in this annex were perpetrated by Al-Shabaab leadership or factions. See report text and other annexes for further information on other perpetrators.

2010

January

1. In the Bal'ad Corridor in late 2009 an international organization (IO) had clearance from local leaders to provide humanitarian assistance, but when it tried to transport materials to the area by truck in early 2010 it was told to pay US$5 per box. It abandoned the operation.[2]

2. From 1-7 January Al-Shabaab required humanitarian organizations in Merka, Baraawe, and other areas of Lower Shabelle to register, and to submit staff and vehicle lists. Many organizations reportedly complied with this request.

3. On 3 January Al-Shabaab entered two WFP warehouses in Lower Shabelle. They reportedly distributed some food and burned the rest, which they claimed was expired.

4. On 4 January, in response to Al-Shabaab pressures, WFP issued a statement announcing that it would temporarily close its offices in Waajid, Bu'aale, Gaarbaharey, Afmadow, Jilib and Beledweyne. It continued to work in Somaliland, Puntland, and parts of Mogadishu.

5. On 4 January Al-Shabaab looted WFP offices in Bu'aale and ordered them closed.

6. On 7 January Al-Shabaab required humanitarian organizations in Baidoa to obtain clearance to travel outside the town.

7. On 12 January the main hospital in Beledweyne was hit by two mortars and two employees of an IO were injured.

8. On 12 January Al-Shabaab in Baidoa entered a UN compound with an inventory list and seized UN assets.

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[1] Sources of data on these incidents include UN agencies, international organizations and AMISOM, many of whom prefer to remain anonymous to protect operations.

[2] Interview with sseveral IO officers, Nairobi, 28 October 2010.

9. On 16 January the body of an NGO staff member was found in Mogadishu.

10. On 25 January a lorry loaded with 24 metric tons of WFP food on its way from a warehouse in Berbera, was hijacked and looted by 50 armed militias in a rural area near Gaalka'yo.

11. On 26 January a blast killed 6 civilians and injured dozen of others at a clinic run by AMISOM. Al-Shabaab claimed responsibility.

12. On 28 January Al-Shabaab renewed its requirements of registration of NGOs in Bay and Bakool.

February

13. On 3 February ASWJ militants erected illegal checkpoints in Dhuusomareeb in Gaalgaduud and collected taxes from passing commercial trucks. They also went to the main hospital and demanded that local NGOs pay 500 USD to contribute to the defence of the town. When the head of hospital refused to pay he was ordered to temporarily stop operations.

14. On 10 February Al-Shabaab stole a UN armoured vehicle and searched a WFP office in Bakool.

15. On 22 February a truck carrying 24 metric tons of WFP food was looted in Mudug. Some of the food was recovered.

16. On 28 February Al-Shabaab requested that humanitarian organizations operating in Baidoa register by 20 March.

17. Several UN agencies limited their distribution to non-Shabaab-held areas when faced with threats from 'freelance profiteers,' as well as organized Shabaab factions.

18. In early 2010 in Hiiraan medicines were being sent by an organization to Beledweyne Hospital but the delivery was stopped by Al-Shabaab in a nearby town.

19. In early 2010 in a town some dozen miles north of Mogadishu an organization had established a health post, but when the organization decided to upgrade the post. Al-Shabaab stopped them for more than a month.

March

20. On 1-2 March Al-Shabaab entered a WFP compound in Middle Juba and a WFP warehouse in Lower Juba, and instructed WFP's contracted guards to hand over the keys to both..

21. On 2 March Al-Shabaab in Middle Shabelle required local and international aid organizations to pay 5,000 USD — 1,000 from the local and 4,000 from the IOs.

22. On 2 March some ASWJ forces entered the main hospital in Dhuusomareeb and ordered humanitarian agencies there to pay 500 USD as a contribution to local security. But the ASWJ administration had apparently not issued this order and they had the soldiers arrested.

23. On 13 March Al-Shabaab occupied a local NGO compound in Bakool and ordered staff members to vacate the area.

April

24. In April Al-Shabaab in Baidoa arrested a local NGO director and protection monitor. He was held for 7 months in harsh conditions and tortured.

25. On 7 April Al-Shabaab occupied a WFP compound in Bakool.

26. On 12 April Al-Shabaab in Middle Juba required aid agencies to release their operational plans and budgets in order to be allowed to continue to operate.

27. 19 April Al-Shabaab raided a house often used as an office for a local human rights organization in Baidoa. One staff person was arrested.

28. On 19 April Al-Shabaab occupied the office of a local NGO in Lower Juba.

29. On 22 April Al-Shabaab in Hiiraan requested that all aid organizations pay US$ 1,000-2,000.

30. On 29 April Al-Shabaab in Middle and Lower Juba required all aid organizations in those regions to register with its humanitarian office in Kismayo.

31. Al-Shabaab closed the Buulohawa office of a local Somali Kenyan organization based in Mandera. The leaders of this organization were targeted from April until September. It continued to provide some assistance in Buulohawa, but could only do so by travelling back and forth across the border.[3]

32. In a case of post-distribution monitoring in Lower Shabelle, local partners were detained. The women in the group were quickly released, others were held for several months.

May

33. Al-Shabaab visited the offices of an IO working in Baidoa and Waajid and instructed local staff to stop operations until further notice.

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[3] Interview with Somali NGO director, Mandera, 17 January 2011.

34. On 16 May Al-Shabaab in Middle and Lower Juba requested that humanitarian organizations register with them and sign a list of 9 rules. A number of organizations reportedly complied with this request. Two NGOs were asked to suspend their operations and leave the area entirely.

35. On 17 May a WFP contracted driver was killed in Mudug.

36. On 17 May Al-Shabaab entered IO offices in Bay and Bakool and ordered them to stop operations until further notice.

37. On 24 May Al-Shabaab in Hiiraan renewed its demand that all IOs pay US$3,000.

38. On 25 May the Puntland Minister of Planning and International Cooperation suspended a stakeholder meeting in Garowe organized by a local NGO to promote peace in Puntland. The situation was later amicably resolved through discussions with government officials and the meeting was completed in October 2010.

39. On 27 May Al-Shabaab entered and occupied a local aid organization in Lower Juba for the second time.

40. On 31 May Al-Shabaab in Middle Juba requested that all IOs stop using boats to deliver aid to villages across the river, allegedly to prevent the collapse of the river banks. The order was revoked days later.

June

41. IMC was expelled in June 2010 from Hiiraan and Bakool regions. It was accused by Al-Shabaab regional authorities of propagating Christianity.

42. Hisb'ul Islam asked all IOs to pay US$400 and all local NGOs to pay US$300 monthly registration fees in Jowhar.

43. On 2 June Al-Shabaab required all NGOs to pay a monthly registration fee of US$300 for local organizations and US$400 for IOs in order to continue their operations in Middle Shabelle.

44. On 12 June TFG police and military clashed near the policy academy in Hamar Jabjab district, killing 2 civilians and 8 TFG forces. It was reported that TFG police tried to stop TFG soldiers from stealing food from WFP-hired vehicles. Local Somali NGOs expressed concern about obstruction to assistance caused by repeated clashes between various TFG forces.[4]

45. On 15 June Al-Shabaab entered the office of an IO in Beledweyne, searched through files and looted office equipment.

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[4] Interview with UN official, Nairobi, 4 February 2011.

46. On 15 June the Gaalgaduud administration issued a letter to UN agencies and IOs requesting them to open offices there within 3 months. Failure to comply would result in their prohibition from operations in the area.

47. On 20 June Al-Shabaab burned medical supplies confiscated from an IO in Beledweyne, saying that the medicine was expired.

48. On 28 June Al-Shabaab entered the office of a local organization in Baidoa and took computers. They also requested contracts, and a percentage of contract budgets as payment.

49. In mid-2010 Al-Shabaab attacked an IO office in Lower Juba and stole medicines.[5]

50. In a neighbourhood of Mogadishu, an IO was prevented from launching a shelter project unless it paid US$80,000. It refused and the project ceased.[6]

51. Since June 2010 when Al-Shabaab took Beledweyne bulk payments were demanded of some organizations.

52. Al-Shabaab closed the Lower Juba office of a Somalia-wide minority rights organization. It has been trying to re-open in a number of areas in the Jubas and Hiiran, but had not yet been successful by the end of 2010.[7]

July

53. On 1 July Al-Shabaab in Bakool accused two staff members of an IO of mismanagement and issued a decree to terminate their contracts. They were evacuated.

54. On 7 July Al-Shabaab stopped Child Health Day activities throughout Hiiran.

55. On 12 July Al-Shabaab in Baidoa requested that an IO submit a detailed list of its national staff working in Bay and Bakool. The organization did not comply.

56. On 14 July Al-Shabaab in Baidoa reportedly burned drugs and wheat they alleged had expired, which they had confiscated from warehouses.

August

57. Al-Shabaab expelled ADRA from Bay, Bakool and Hiiran.

58. Al-Shabaab expelled World Vision from the Jubas, Bay and Bakool.

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[5] Interview with IO head of office, Nairobi, 19 October 2010.

[6] Interview with sseveral IO officers, Nairobi, 28 October 2010.

[7] Interview with minority rights leader, Nairobi, 14 December 2010.

59. Al-Shabaab expelled Diakonia from Bay and Bakool, though the organization had closed its office at the end of 2008.

60. A local Somali-Kenyan organization operating in border regions closed after WFP shut down and World Vision was expelled. The NGO had employed 300 young people. When its partner organizations were forced to leave, Al-Shabaab officers stepped in to try to recruit the young people, particularly in Gedo.[8]

61. On 22 August Al-Shabaab burned food items confiscated from warehouses in Beledweyne and Mogadishu, and additional food items found on trucks driving from central to southern Somalia.

62. On 23 August Al-Shabaab called a meeting in Beledweyne to transmit taxation instructions to aid agencies in the area. Organizations in Beledweyne refused to pay. The same instructions were transmitted to aid agencies operating in Lower and Middle Shabelle, Bay and Bakool, and Lower and Middle Juba. [9]

63. A local Somali organization was asked to pay taxes. It refused and nothing happened; it was just told to do its job.[10]

64. In Kismayo staff members of an IO were asked to pay rent for its office.[11]

65. Shabaab factions demanded taxes of tens of thousands USD per six month period per district of town per organization in Shabaab-held areas. Reportedly some organizations did succumb to their threats, in Kismayo, Hiiraan and Gedo. Some agencies and organizations were contacted individually or in large meetings by local Shabaab leaders, in parts of Gedo, and in Beledweyne. Some local staff and implementing partners paid on behalf of agencies and IOs in order to keep working.[12]

66. A Somali NGO that continued to work in the Jubas and Bay reported that it was asked to make payments in mid-2010 but refused. It was simply told that it could continue to operate.[13]

67. In August/September 2010 Al-Shabaab demanded an agreement with an organization for 20% of its project budget, rent for use of public buildings, car rental, and taxes from its staff members. It refused to pay anything, but assumed that staff members or contractors paid something out of their own salaries for 'security.' Al-Shabaab did not react to the organization's refusal.[14]

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[8] Interview with Somali NGO director, Nairobi, 18 February 2011.

[9] Interview with national IO officer, Nairobi, 14 October 2010; interview with IO head of office, Nairobi, 26 Nov 2010.

[10] Interview with UN program officer, Nairobi, 10 November 2011.

[11] Interview with IO program officer, Mogadishu, 30 January 2011.

[12] Interview with national IO officer, Nairobi, 14 October 2011.

[13] Interview with Somali NGO director, Nairobi, 18 November 2010.

[14] Interview with IO head of office, Nairobi, 12 January 2011.

68. In Kismayo, a flight with national staff for an IO was stopped. The staff members were interrogated and later released. The IO stopped flights into Kismayo.[15]

69. In central Somalia a vehicle belonging to an IO was stopped. The perpetrators claimed its cargo was infested with insects and demanded to inspect the entire stock. The stock was burned.[16]

September

70. Al-Shabaab made demands for taxes from most organizations still operating in Shabaab-held areas of southern and central Somalia. The September 2010 demands for taxation were generally reported to be: US$10,000 for an initial fee; US$10,000 for a one-time registration fee; US$6,000 every six months thereafter; 20% of the organizational budget (for local NGOs); and 10% on all vehicles.[17]

71. On 1 September Al-Shabaab expelled Muslim Aid UK from Afgooye, Lower Shabelle for not having registered.

72. Al-Shabaab expelled Mercy Corps from Hiiraan and Middle Shabelle.

73. Al-Shabaab expelled Horn Relief from Lower Juba.

74. Al-Shabaab expelled FEWS NET from all areas under their control, but FEWS NET had no physical presence in south central Somalia at that time.

75. On 16 September MSF closed its project at Hawa Abdi Hospital in Afgooye in response to an incident during which Hisb'ul Islam targeted Hawa Abdi.

76. On 22 September Al-Shabaab disallowed four national aid staff to implement planned livelihood projects in Bay and Bakool allegedly due to a lack of presence in these regions by the sponsoring UN agency.

77. The 23rd of September was the deadline for local and international aid organizations to pay the required Al-Shabaab registration fees in Hiiran, Bay, Bakool, Middle and Lower Shabelle, and Middle and Lower Juba.

78. An IO that continued to work in the Shabelles, Hiiran, Banadir and Middle Juba received a demand from Al-Shabaab for taxation around the time of the Ramadan offensive. It refused to pay.[18]

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[15] Interview with IO program director, Nairobi, 19 October 2010.
[16] Interview with IO head of office, Nairobi, 26 November 2010.
[17] Interviews with aid workers in Nairobi in October and November 2010.
[18] Interview with IO head of office, Nairobi, 15 October 2010.

79. Al-Shabaab made demands for taxes on most organizations still operating in Al-Shabaab-held areas of southern and central Somalia. The September 2010 demands for taxation were generally reported to be: US$10,000 for an initial fee; US$10,000 for a one-time registration fee; US$6,000 every six months thereafter; 20% of the organizational budget (for local NGOs); and 10% on all vehicles.[19]

October

80. On 1 October a hand grenade was thrown at a warehouse belonging to local organizational partners in Mogadishu.

81. On 7 October Al-Shabaab occupied a maternal and child health clinic and two training centers operated by an IO in Middle and Lower Juba, reportedly in relation to a demand for payment.

82. On 26 October Al-Shabaab disrupted an IO supporting the main hospital in Beledweyne, resulting in the temporary suspension of hospital operations.

83. In October Shabaab leaders warned civilians not to go to AMISOM hospitals, but desperate civilians continued to do so nonetheless.[20]

November

84. On 6 November a local humanitarian aid worker was gunned down and killed in Mandera, Kenya by Al-Shabaab based in Buulohawa. Local Somali aid organizations reported that after he was killed they too were threatened.[21]

85. On 13 November unidentified armed men killed a WFP-contracted truck driver in Mudug, and looted 80 bags of food being shipped to Gaalgaduud.

86. On 25 November Al-Shabaab in Gedo required local aid organizations in the region to register and pay US$5,000.

87. Al-Shabaab in Beledweyne were still demanding registration payments for water and farming projects in late 2010.[22]

88. Colleagues of the NGO director who was held by Al-Shabaab in Mogadishu and Baidoa for 7 months were forced to flee the country due to increasing threats after his escape in November.

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[19] Interviews with aid workers in Nairobi in October and November 2010.

[20] Interview with national IO officer, Nairobi, 14 October 2010.

[21] Interview with officers from several UN agencies, Nairobi, October-December 2010.

[22] Interview with IO head of office, Nairobi, 8 November 2010.

December

89. A prominent local Somali NGO was forced to close its offices in Jowhar in December when it was told to pay taxes. Its office has since been occupied by Al-Shabaab.[23]

90. On 1 December Al-Shabaab required local aid organizations to renew their registration and pay a yearly fee of US$5,000 in Bay and Bakool.

91. On 6 December a guard working with a prominent local organization was shot dead in an ambush in Laas Qoray while participating in a cash distribution program.

92. On 2 December Al-Shabaab searched the flight of an IO in Middle Juba.

93. On 14 December the TFG Deputy Minister for Water, Energy and Petroleum announced his intention to suspend the operations of Concern, DRC, DBG, UNICEF and ICRC. His statement was later retracted.

94. On 19 December Al-Shabaab suspended a UN agency in Bay for not having registered in Mogadishu.

95. On 19 December Al-Shabaab in Hiiraan renewed its demand for US$10,000 registration fees for IOs and US$5,000 registration fees for local organizations.

96. On 20 December Al-Shabaab in Bay required two IOs to pay a registration fee of US$10,000.

97. On 23 December at least 15 representatives from local organizations and elders met to discuss Al-Shabaab's registration demands in Baidoa.

Early 2011

98. On 25 January Al-Shabaab expelled GREDO and TAWAK from Bay and Bakool. They were accused of operating in TFG-controlled areas of Mogadishu.

99. On 31 March Al-Shabaab looted Water for Life in Lower Shabelle. The organization subsequently suspended its operations.

100. On 11 April 2011 the OCHA office in Baidoa was raided and assets were seized without violence.

101. Al-Shabaab recently announced at a center for HIV/AIDS in Merka that anyone with HIV or AIDS should be trained as suicide bombers because 'they're not going to survive anyway.'[24]

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[23] Interview with Somali NGO officer, Nairobi, 18 April 2011.

[24] Interview with Somali NGO directors, Nairobi, 18 April 2011.

Annex 7.1.b.:
Summary of major acts of obstruction against humanitarian operations by region / zone (2010)[1]

*Please note: Incidents during which Al-Shabaab demanded taxes, fees, or registration do not indicate payment, unless evidence is duly noted.
*Please note: The majority of incidents described in this annex were perpetrated by Al-Shabaab leadership or factions. See report text and other annexes for further information on other perpetrators.
*Please note: Several incidents described in this annex occurred in multiple regions; these cases are therefore repeated as appropriate.

2010

General Somalia

1. On 4 January WFP issued a statement announcing that it would temporarily close its offices in Waajid, Bu'aale, Gaarbaharey, Afmadow, Jilib and Beledweyne. It continued to work in Somaliland, Puntland, and parts of Mogadishu.

2. Several UN agencies limited their distribution to non-Shabaab-held areas when faced with threats from 'freelance profiteers,' as well as organized Shabaab factions.

3. A local Somali organization was asked to pay taxes. It refused and nothing happened; it was just told to do its job.[2]

4. In August/September 2010 Al-Shabaab demanded an agreement with an organization for 20% of its project budget, rent for use of public buildings, car rental, and taxes from its staff members. It refused to pay anything, but assumed that staff members or contractors paid something out of their own salaries for 'security.' Al-Shabaab did not react to the organization's refusal.[3]

5. Al-Shabaab expelled FEWS NET from all areas under their control, but FEWS NET had no physical presence in south central Somalia at that time.

6. Al-Shabaab made demands for taxes on most organizations still operating in Al-Shabaab-held areas of southern and central Somalia. The September 2010 demands for taxation were generally reported to be: US$10,000 for an initial fee; US$10,000 for a one-time registration fee; US$6,000 every six months thereafter; 20% of the organizational budget (for local NGOs); and 10% on all vehicles.[4]

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[1] Sources of data on these incidents include UN agencies, IOs and AMISOM, many of whom prefer to remain anonymous to protect operations.
[2] Interview with UN program officer, Nairobi, 10 November 2011.
[3] Interview with IO head of office, Nairobi, 12 January 2011.
[4] Interviews with aid workers in Nairobi in October and November 2010.

Mogadishu/Banadir

7. In the Balaad Corridor in late 2009 an international organization (IO) had clearance from local leaders to provide humanitarian assistance, but when it tried to transport materials to the area by truck it was told to pay US$5 per box. It abandoned the operation.[5]

8. On 16 January the body of an NGO staff member was found in Mogadishu.

9. On 26 January a blast killed 6 civilians and injured dozen of others at a clinic run by AMISOM. Al-Shabaab claimed responsibility.

10. In early 2010 in a town some dozen miles north of Mogadishu an organization had established a health post, but when the organization decided to upgrade the post. Al-Shabaab stopped them for more than a month.

11. On 12 June TFG police and military clashed near the policy academy in Hamar Jabjab district, killing 2 civilians and 8 TFG forces. It was reported that TFG police tried to stop TFG soldiers from stealing food from WFP-hired vehicles. Local Somali NGOs expressed concern about obstruction to assistance caused by repeated clashes between various TFG forces.[6]

12. In a neighbourhood of Mogadishu, an IO was prevented from launching a shelter project unless it paid US$80,000. It refused and the project ceased.[7]

13. An IO that continued to work in the Shabelles, Hiiraan, Banadir and Middle Juba received a demand from Al-Shabaab for taxation around the time of the Ramadan offensive. It refused to pay.[8]

14. In October Shabaab leaders warned civilians not to go to AMISOM hospitals, but desperate civilians continued to do so nonetheless.[9]

15. On 1 October a hand grenade was thrown at a warehouse belonging to local organizational partners in Mogadishu.

16. On 14 December the TFG Deputy Minister for Water, Energy and Petroleum announced his intention to suspend the operation of Concern, DRC, DBG, UNICEF and ICRC. His statement was later retracted.

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[5] Interview with sseveral IO officers, Nairobi, 28 October 2010.
[6] Interview with UN official, Nairobi, 4 February 2011.
[7] Interview with sseveral IO officers, Nairobi, 28 October 2010.
[8] Interview with IO head of office, Nairobi, 15 October 2010.
[9] Interview with national IO officer, Nairobi, 14 October 2010.

Lower Shabelle

17. From 1-7 January Al-Shabaab required humanitarian organizations in Merka, Baraawe, and other areas of Lower Shabelle to register, and to submit staff and vehicle lists. Many organizations reportedly complied with this request.
18. On 3 January Al-Shabaab entered two WFP warehouses in Lower Shabelle. They reportedly distributed some food and burned the rest, which they claimed was expired.

19. In a case of post-distribution monitoring in Lower Shabelle, local partners were detained. The women in the group were quickly released, others were held for several months.

20. On 23 August Al-Shabaab called a meeting in Beledweyne to transmit taxation instructions to aid agencies in the area. Organizations in Beledweyne refused to pay. The same instructions were transmitted to aid agencies operating in Lower and Middle Shabelle, Bay and Bakool, and Lower and Middle Juba.[10]

21. On 1 September Al-Shabaab expelled Muslim Aid UK from Afgooye, Lower Shabelle for not having registered.

22. On 16 September MSF closed its project at Hawa Abdi Hospital in Afgooye in response to an incident in which Hisb'ul Islam targeted Hawa Abdi.

23. The 23rd of September was the deadline for local and international aid organizations to pay the required Al-Shabaab registration fees in Hiiraan, Bay, Bakool, Middle and Lower Shabelle, and Middle and Lower Juba.

24. An IO that continued to work in the Shabelles, Hiiraan, Banadir and Middle Juba received a demand from Al-Shabaab for taxation around the time of the Ramadan offensive. It refused to pay.[11]

25. On 31 March Al-Shabaab looted Water for Life in Lower Shabelle. The organization subsequently suspended its operations.

26. Al-Shabaab recently announced at a center for HIV/AIDS in Merka that anyone with HIV or AIDS should be trained as suicide bombers because 'they're not going to survive anyway.'[12]

Middle Shabelle

27. On 2 March Al-Shabaab in Middle Shabelle required local and international aid organizations to pay US$5,000—1,000 from the local and 4,000 from the IOs.

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[10] Interview with national IO officer, Nairobi, 14 October 2010; interview with IO head of office, Nairobi, 26 Nov 2010.

[11] Interview with IO head of office, Nairobi, 15 October 2010.

[12] Interview with Somali NGO directors, Nairobi, 18 April 2011.

28. Hisb'ul Islam asked all IOs to pay US$400 and all local NGOs to pay US$300 monthly registration fees in Jowhar.

29. On 2 June Al-Shabaab required all NGOs to pay a monthly registration fee of US$300 for local organizations and US$400 for IOs in order to continue their operations in Middle Shabelle.

30. Al-Shabaab expelled Mercy Corps from Hiiraan and Middle Shabelle.

31. On 23 August Al-Shabaab called a meeting in Beledweyne to transmit taxation instructions to aid agencies in the area. Organizations in Beledweyne refused to pay. The same instructions were transmitted to aid agencies operating in Lower and Middle Shabelle, Bay and Bakool, and Lower and Middle Juba.[13]

32. The 23rd of September was the deadline for local and international aid organizations to pay the required Al-Shabaab registration fees in Hiiraan, Bay, Bakool, Middle and Lower Shabelle, and Middle and Lower Juba.

33. An IO that continued to work in the Shabelles, Hiiraan, Banadir and Middle Juba received a demand from Al-Shabaab for taxation around the time of the Ramadan offensive. It refused to pay.[14]

34. A prominent local Somali NGO was forced to close its offices in Jowhar in December when it was told to pay taxes. Its office has since been occupied by Al-Shabaab.[15]

Lower and Middle Juba Regions

35. On 4 January, in response to Al-Shabaab pressures, WFP issued a statement announcing that it would temporarily close its offices in Waajid, Bu'aale, Gaarbaharey, Afmadow, Jilib and Beledweyne. It continued to work in Somaliland, Puntland, and parts of Mogadishu.

36. On 1-2 March Al-Shabaab entered a WFP compound in Middle Juba and a WFP warehouse in Lower Juba, and instructed WFP's contracted guards to hand over the keys to both.

37. On 12 April Al-Shabaab in Middle Juba required aid agencies to release their operational plans and budgets in order to be allowed to continue to operate.

38. On 19 April Al-Shabaab occupied the office of a local NGO in Lower Juba.

39. On 29 April Al-Shabaab in Middle and Lower Juba required all aid organizations in those regions to register with its humanitarian office in Kismayo.

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[13] Interview with national IO officer, Nairobi, 14 October 2010; interview with IO head of office, Nairobi, 26 Nov 2010.
[14] Interview with IO head of office, Nairobi, 15 October 2010.
[15] Interview with Somali NGO officer, Nairobi, 18 April 2011.

40. On 16 May Al-Shabaab in Middle and Lower Juba requested that humanitarian organizations register with them and sign a list of 9 rules. A number of organizations reportedly complied with this request. Two NGOs were asked to suspend their operations and leave the area entirely.

41. On 27 May Al-Shabaab entered and occupied a local aid organization in Lower Juba for the second time.

42. On 31 May Al-Shabaab in Middle Juba requested that all IOs stop using boats to deliver aid to villages across the river, allegedly to prevent the collapse of the river banks. The order was revoked days later.

43. In mid-2010 Al-Shabaab attacked an IO office in Lower Juba and stole medicines.[16]

44. Al-Shabaab expelled World Vision from the Jubas, Bay and Bakool.

45. In Kismayo staff members of an IO were asked to pay rent for its office.[17]

46. Shabaab factions demanded taxes of tens of thousands of U.S. dollars per six month period per district of town per organization in Shabaab-held areas. Reportedly some organizations did succumb to their threats, in Kismayo, Hiiraan and Gedo. Some agencies and organizations were contacted individually or in large meetings by local Shabaab leaders, in parts of Gedo, and in Beledweyne. Some local staff and implementing partners paid on behalf of agencies and IOs in order to keep working.[18]

47. A Somali NGO which continued to work in the Jubas and Bay reported that it was asked to make payments in mid-2010 but refused. It was simply told it could continue to operate.[19]

48. Al-Shabaab expelled Horn Relief from Lower Juba.

49. On 23 August Al-Shabaab called a meeting in Beledweyne to transmit taxation instructions to aid agencies in the area. Organizations in Beledweyne refused to pay. The same instructions were transmitted to aid agencies operating in Lower and Middle Shabelle, Bay and Bakool, and Lower and Middle Juba.[20]

50. On 7 October Al-Shabaab occupied a maternal and child health clinic and two training centers operated by an IO in Middle and Lower Juba reportedly in relation to a demand for payment.

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[16] Interview with IO head of office, Nairobi, 19 October 2010.
[17] Interview with IO program officer, Mogadishu, 30 January 2011.
[18] Interview with national IO officer, Nairobi, 14 October 2011.
[19] Interview with Somali NGO director, Nairobi, 18 November 2010.
[20] Interview with national IO officer, Nairobi, 14 October 2010; interview with IO head of office, Nairobi, 26 Nov 2010.

51. An IO that continued to work in the Shabelles, Hiiraan, Banadir and Middle Juba received a demand from Al-Shabaab for taxation around the time of the Ramadan offensive. It refused to pay.[21]

52. On 2 December Al-Shabaab searched the flight of an IO in Middle Juba.

53. In Kismayo, a flight with national staff for an IO was stopped. The staff members were interrogated and later released. The IO stopped flights into Kismayo.[22]

54. Al-Shabaab closed the Lower Juba office of a Somalia-wide minority rights organization. It has been trying to re-open in a number of areas in the Jubas and Hiiraan, but had not yet been successful by the end of 2010.[23]

Gedo

55. Shabaab factions demanded taxes of tens of thousands of U.S. dollars per six month period per district of town per organization in Shabaab-held areas. Reportedly some organizations did succumb to their threats, in Kismayo, Hiiraan and Gedo. Some agencies and organizations were contacted individually or in large meetings by local Shabaab leaders, in parts of Gedo, and in Beledweyne. Some local staff and implementing partners paid on behalf of agencies and IOs in order to keep working.[24]

56. A local Somali-Kenyan organization operating in border regions closed after WFP shut down and World Vision was expelled. The NGO had employed 300 young people. When its partner organizations were forced to leave, Shabaab officers stepped in to try to recruit the young people, particularly in Gedo.[25]

57. On 6 November a local humanitarian aid worker was gunned down and killed in Mandera, Kenya by Al-Shabaab based in Bullohawa. Local Somali aid organizations reported that after he was killed they too were threatened.[26]

58. On 25 November Al-Shabaab in Gedo required local aid organizations in the region to register and pay US$5,000.

59. Al-Shabaab closed the Buulohawa office of a local Somali-Kenyan organization based in Mandera. The leaders of this organization were targeted from April until September. It continued

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[21] Interview with IO head of office, Nairobi, 15 October 2010.
[22] Interview with IO program director, Nairobi, 19 October 2010.
[23] Interview with minority rights leader, Nairobi, 14 December 2010.
[24] Interview with national IO officer, Nairobi, 14 October 2011
[25] Interview with Somali NGO director, Nairobi, 18 February 2011.
[26] Interview with officers from several UN agencies, Nairobi, October-December 2010.

to provide some assistance in Buulohawa, but could only do so by travelling back and forth across the border.[27]

Bay and Bakool Regions

60. Al-Shabaab visited the offices of an IO working in Baidoa and Waajid and instructed local staff to stop operations until further notice.

61. On 7 January Al-Shabaab required humanitarian organizations in Baidoa to obtain clearance to travel outside the town.

62. On 12 January Al-Shabaab in Baidoa entered a UN compound with an inventory list and seized UN assets.

63. On 19 December Al-Shabaab suspended a UN agency in Bay for not having registered in Mogadishu.

64. On 28 January Al-Shabaab renewed its requirements of registration of NGOs in Bay and Bakool.

65. On 10 February Al-Shabaab stole a UN armoured vehicle and searched a WFP office in Bakool.

66. On 28 February Al-Shabaab requested that humanitarian organizations operating in Baidoa register by 20 March.

67. On 13 March Al-Shabaab occupied a local NGO compound in Bakool and ordered staff members to vacate the area.

68. In April Al-Shabaab in Baidoa arrested a local NGO director and protection monitor. He was held for 7 months in harsh conditions and tortured.

69. On 7 April Al-Shabaab occupied a WFP compound in Bakool.

70. 19 April Al-Shabaab raided a house often used as an office for a local human rights organization in Baidoa. One staff person was arrested.

71. On 17 May Al-Shabaab entered international organizational offices in Bay and Bakool and ordered them to stop operations until further notice.

72. IMC was expelled in June 2010 from Hiiraan and Bakool regions. It was accused by Al-Shabaab regional authorities of propagating Christianity.

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[27] Interview with Somali NGO director, Mandera, 17 January 2011.

73. On 28 June Al-Shabaab entered the office of a local organization in Baidoa and took computers. They also requested contracts, and a percentage of contract budgets as payment.

74. On 1 July Al-Shabaab in Bakool accused two staff members of an IO of mismanagement and issued a decree to terminate their contracts. They were evacuated.

75. On 12 July Al-Shabaab in Baidoa requested that an IO submit a detailed list of its national staff working in Bay and Bakool. The organization did not comply.

76. On 14 July Al-Shabaab in Baidoa reportedly burned drugs and wheat they alleged had expired, which they had confiscated from warehouses.

77. Al-Shabaab expelled ADRA from Bay, Bakool and Hiiraan.

78. Al-Shabaab expelled World Vision from the Jubas, Bay and Bakool.

79. Al-Shabaab expelled Diakonia from Bay and Bakool, the organization had closed its office at the end of 2008.

80. On 23 August Al-Shabaab called a meeting in Beledweyne to transmit taxation instructions to aid agencies in the area. Organizations in Beledweyne refused to pay. The same instructions were transmitted to aid agencies operating in Lower and Middle Shabelle, Bay and Bakool, and Lower and Middle Juba.[28]

81. A Somali NGO that continued to work in the Jubas and Bay reported that it was asked to make payments in mid-2010 but refused. It was simply told it could continue to operate.[29]

82. On 22 September Al-Shabaab disallowed four national aid staff to implement planned livelihood projects in Bay and Bakool allegedly due to a lack of presence in these regions by the sponsoring UN agency.

83. The 23rd of September was the deadline for local and international aid organizations to pay the required Al-Shabaab registration fees in Hiiraan, Bay, Bakool, Middle and Lower Shabelle, and Middle and Lower Juba.

84. Colleagues of the NGO director who was held by Al-Shabaab in Mogadishu and Baidoa for 7 months were forced to flee the country due to increasing threats after his escape in November.

85. On 1 December Al-Shabaab required local aid organizations to renew their registration and pay a yearly fee of US$5,000 in Bay and Bakool.

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[28] Interview with national IO officer, Nairobi, 14 October 2010; interview with IO head of office, Nairobi, 26 Nov 2010.

[29] Interview with Somali NGO director, Nairobi, 18 November 2010.

86. On 20 December Al-Shabaab in Bay required two IOs to pay a registration fee of US$10,000.

87. On 23 December at least 15 representatives from local organizations and elders met to discuss Al-Shabaab's registration demands in Baidoa.

88. On 25 January Al-Shabaab expelled GREDO and TAWAK from Bay and Bakool. They were accused of operating in TFG-controlled areas of Mogadishu.

89. On 11 April 2011 the OCHA office in Baidoa was raided and assets were seized without violence.

Hiiraan

90. In early 2010 in Hiiraan medicines were being sent by an organization to Beledweyne Hospital but the delivery was stopped by Al-Shabaab in a nearby town.

91. On 12 January the main hospital in Beledweyne was hit by two mortars and two employees of an IO were injured.

92. On 22 April Al-Shabaab in Hiiraan requested that all aid organizations pay US$1-2,000.

93. On 24 May Al-Shabaab in Hiiraan renewed its demand that all IOs pay US$3,000.

94. IMC was expelled in June 2010 from Hiiraan and Bakool regions. It was accused by Al-Shabaab regional authorities in Hiiraan of propagating Christianity.

95. On 15 June Al-Shabaab entered the office of an IO in Beledweyne, searched through files and looted office equipment.

96. On 20 June Al-Shabaab burned medical supplies confiscated from an IO in Beledweyne, saying that the medicine was expired.

97. Since June 2010 when Al-Shabaab took Beledweyne bulk payments were demanded of some organizations.

98. On 7 July Al-Shabaab stopped Child Health Day activities throughout Hiiraan.

99. Al-Shabaab expelled ADRA from Bay, Bakool and Hiiraan.

100. On 22 August Al-Shabaab burned food items confiscated from warehouses in Beledweyne and Mogadishu, and additional food items found on trucks driving from central to southern Somalia.

101. On 23 August Al-Shabaab called a meeting in Beledweyne to transmit taxation instructions to aid agencies in the area. Organizations in Beledweyne refused to pay. The same instructions

were transmitted to aid agencies operating in Lower and Middle Shabelle, Bay and Bakool, and Lower and Middle Juba.[30]

102. Al-Shabaab factions demanded taxes of tens of thousands of U.S. dollars per six month period per district of town per organization in Shabaab-held areas. Reportedly some organizations did succumb to their threats, in Kismayo, Hiiraan and Gedo. Some agencies and organizations were contacted individually or in large meetings by local Shabaab leaders, in parts of Gedo, and in Beledweyne. Some local staff and implementing partners paid on behalf of agencies and IOs in order to keep working.[31]

103. Al-Shabaab expelled Mercy Corps from Hiiraan and Middle Shabelle.

104. The 23rd of September was the deadline for local and international aid organizations to pay the required Al-Shabaab registration fees in Hiiraan, Bay, Bakool, Middle and Lower Shabelle, and Middle and Lower Juba.

105. An IO that continued to work in the Shabelles, Hiiraan, Banadir and Middle Juba received a demand from Al-Shabaab for taxation around the time of the Ramadan offensive. It refused to pay.[32]

106. On 26 October Al-Shabaab disrupted an IO supporting the main hospital in Beledweyne, resulting in the temporary suspension of hospital operations.

107. Al-Shabaab in Beledweyne were still demanding registration payments for water and farming projects in late 2010.[33]

108. On 19 December Al-Shabaab in Hiiraan renewed its demand for US$10,000 registration fees for IOs and US$5,000 registration fees for local organizations.

109. In central Somalia a vehicle belonging to an IO was stopped. The perpetrators claimed its cargo was infested with insects and demanded to inspect the entire stock. The stock was burned.[34]

Gaalgaduud

110. On 3 February ASWJ militants erected illegal checkpoints in Dhuusomareeb in Gaalgaduud and collected taxes from passing commercial trucks. They also went to the main hospital and demanded that local NGOs pay US$500 to contribute to the defence of the town. When the head of hospital refused to pay he was ordered to temporarily stop operations.

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[30] Interview with national IO officer, Nairobi, 14 October 2010; interview with IO head of office, Nairobi, 26 Nov 2010.

[31] Interview with national IO officer, Nairobi, 14 October 2011.

[32] Interview with IO head of office, Nairobi, 15 October 2010.

[33] Interview with IO head of office, Nairobi, 8 November 2010.

[34] Interview with IO head of office, Nairobi, 26 November 2010.

111. On 2 March some ASWJ forces entered the main hospital in Dhuusomareeb and ordered humanitarian agencies there to pay US$500 as a contribution to local security. But the ASWJ administration had apparently not issued this order and it had the soldiers arrested.

112. On 15 June the Gaalgaduud administration issued a letter to UN agencies and IOs requesting them to open offices there within 3 months. Failure to comply would result in their prohibition from operations in the area.

Mudug

113. On 25 January a lorry loaded with 24 metric tons of WFP food on its way from a warehouse in Berbera, was hijacked and looted by 50 armed militias in a rural area near Gaalka'yo.

114. On 22 February a truck carrying 24 metric tons of WFP food was looted in Mudug. Some of the food was recovered.

115. On 17 May a WFP contracted driver was killed in Mudug.

116. On 13 November unidentified armed men killed a WFP-contracted truck driver in Mudug, and looted 80 bags of food being shipped to Gaalgaduud.

Puntland

117. On 25 May the Puntland Minister of Planning and International Cooperation suspended a stakeholder meeting in Garowe organized by a local NGO to promote peace in Puntland. The situation was later amicably resolved through discussions with government officials and the meeting was completed in October 2010.

Somaliland

118. On 6 December a guard working with a prominent local organization was shot dead in an ambush in Laas Qoray while participating in a cash distribution program.

Annex 7.2.: Al-Shabaab expulsion, taxation and registration

Annex 7.2.a.: Cases of expulsion by Al-Shabaab

1. On 8 August the UN issued an advisory stating that three international organizations had been informed of their closure in Somalia. In a press statement issued that day Al-Shabaab's 'Office for Supervising the Affairs of Foreign Agencies' ordered World Vision, ADRA and Diakonia to close their offices and operations.[1] All three are faith-based organizations which were accused of being 'Christian-affiliated.' Within weeks Horn Relief, Mercy Corps and FEWS NET were also ordered to close by Al-Shabaab. All were accused of being 'western-affiliated' and 'U.S.-funded.' The closures of these six organizations together impacted the lives of hundreds of thousands of vulnerable Somali civilians. Para.2: 29 September 2010

Horn Relief

2. Horn Relief had been operating primarily in and around Afmadow and Kismayo where Al-Shabaab controlled the local authorities. It was first told to register and pay US$500 in the last week of August. But within days of the first registration demand it was told that the US$500 applied to local NGO registration, while Horn Relief was considered international and would be required to pay US$10,000. Horn Relief began to prepare for the possible closure of its offices. It tried to negotiate for an extension to the deadline, but Shabaab leaders told its staff members they were no longer negotiating with Nairobi-based NGOs, and seized its office. Horn Relief had already been expelled before the announcement was posted on the internet. On 29 September 2011 Horn Relief issued its own statement.[2]

3. Prior to that time Horn Relief was not perceived as a U.S. organization; it is operated entirely by Somali staff. In Afmadow, at the time of its expulsion, Horn Relief was one of the few organizations left serving the needs of the people. Farmers were just planning for the next harvest; there were major procurements waiting.

4. The community asked the local Shabaab if Horn Relief were being expelled because it could not or would not pay taxes. The community had done everything it could to support Horn Relief; that was why the organization was able operate as long as it did, despite restrictions on operations and travel. But contacts with municipal Al-Shabaab offices began to suffer as officials were sent to fight elsewhere, and the void was filled by the Al-Shabaab Shuura, which centralized control and began imposing 'taxes.' Any space there had been to negotiate locally disappeared.

Mercy Corps

5. Though a secular organization, Mercy Corps was accused by Al-Shabaab of promoting Christianity. As a U.S.-based organization, it may have been targeted for expulsion because of the actions of Florida (USA) minister who threatened to burn a copy of the Qur'an in April 2011. In

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[1] http://edition.cnn.com/2010/WORLD/africa/08/10/somalia.aid.groups/#fbid=9aLLp9IWTjM&wom=false.

[2] http://www.garoweonline.com/artman2/publish/Press_Releases_32/Somalia_aid_group_Horn_Relief_responds_to_Al_Shabaab.shtml; and interviews with IO officer, Nairobi, 20 October 2010 and 22 April 2011.

southern Somalia Mercy Corps had been working with local partners, with just a couple of local staff members in Mogadishu, housed by another organization. Following its 'expulsion' even these few remaining staff members were evacuated.[3]

FEWS NET

6. There were no prior conditions demanded by Al-Shabaab of FEWS NET, just the announcement of its expulsion. The organization believed its expulsion was linked to the reaction of Shabaab to a Florida minister who threatened to burn the Qur'an. It also believed it was related to its receipt of USAID funding. The announcement had little impact on its operations, so it didn't respond.[4]

World Vision

7. World Vision was expelled by Al Shabaab from six locations, mainly in Bay and Bakool regions. In one town in Middle Juba, food and salaries were distributed when the local office learned of possible Al-Shabaab action. On the day World Vision was expelled, it received a call early in the morning, before the announcement was made public, saying that all its offices were being raided and its staff members expelled. World Vision issued its own statement in response.[5] All of its substantial moveable assets were taken. Its own security guards were left in place for a short time to guard the premises and its national staff members were 'invited' to become 'volunteers' for Al-Shabaab.

8. This expulsion resulted from a directive by the Al-Shabaab *Shuura* in Mogadishu World Vision had previously enjoyed good relations with the local communities and authorities in the areas in which it operated, and had been permitted to remain despite having refused to pay the Ramadan-period tax imposed by Al-Shabaab. Some observers believed the primary reason World Vision was expelled was not because it is a Christian organization (because it was locally perceived as Somali-run and devoutly religious) or because it was U.S.-affiliated, but rather because Al-Shabaab was short on cash at the time. World Vision will not return to southern Somalia until there is secure space in which to operate again.

ADRA

9. Four ADRA projects were expelled by Al Shabaab on 9 August 2010. By mid-day it learned of the Al-Shabaab press release announcing its expulsion on the grounds that it was allegedly 'spreading Christianity.'[6]

Diakonia

10. Diakonia was not operational in southern Somalia at the time of its expulsion.[7]

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[3] Interview with IO officers, Nairobi, October 2010.

[4] Interview with IO officer, Nairobi, 27 October 2010.

[5] http://www.reliefweb.int/rw/rwb.nsf/db900SID/MUMA-88786A?OpenDocument and interview with World Vision officer, Nairobi, October 2010.

[6] Interview with IO officer, Nairobi, October 2010.

[7] Interview with head of UN agency, Nairobi, 27 October 2010.

Annex 7.2.b.:
Al-Shabaab taxation and registration — additional examples and trends

1. *Al-Shabaab* efforts to control and profit from international and local humanitarian actors through registration and taxation have been persistent, but implementation has varied from region to region and over time. The severity of the measures has typically reflected the degree to which the central Al-Shabaab *Shuura* has become involved in their implementation, and may also reflect the influence of foreign fighters at any given place and time.

2. Overall, demands for payment increased during the course of 2010, notably from the month of July when the *Shuura* began to assert greater control, and peaked about the time of the August/September 'Ramadan Offensive', suggesting at least a partial linkage between Al-Shabaab taxation demands and financing of military operations. However, by the end of 2010, demands for taxation had eased.

Demands for Taxation

3. In Mogadishu, many local NGOs encountered checkpoints and roadblocks at which Al-Shabaab made demands for money, non-food items or food. For part of the year they reported the common dilemma of three separate roadblocks per single trip — manned by TFG militias, Al-Shabaab and, until they were defeated, Hisb'ul Islam in Afgooye. Though these organizations were mainly operating in TFG-held areas, they still needed to pass through areas under others' control. Fees demanded were contingent on the size of the shipments being transported.[1]

4. One international organization that had remained operational in Somalia and Somaliland for decades began to encounter difficulties with Al-Shabaab authorities in a number of regions. In mid-2010, after receiving 20 conditions and a demand for payment to Al-Shabaab, the organization offered to provide a description of its operations and their benefits to the community. The organization agreed with Al-Shabaab that agencies shouldn't distribute food during harvest time, and that seeds, fishing nets and other livelihood support could be more appropriate than food aid. Al-Shabaab and the organization 'agreed to disagree' over the issue of taxation, no payments were made, and the organization continued its work.[2]

5. Likewise, a Somali NGO working in the Juba Valley and Bay told the Monitoring Group that it had been asked to make payments in mid-2010, but refused. Expecting to be expelled, the staff had cleaned out their office, but successive deadlines passed and Al-Shabaab took no action. Eventually, the organization was told that it could continue to operate.[3]

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[1] Somali NGO focus group interview, Mogadishu, 11 December 2010.

[2] Interview with IO head of office, Nairobi, 1 December 2010.

[3] Interview with Somali NGO director, Nairobi, 18 November 2010.

6. In Kismayo staff members of an IO were asked to pay rent for their office, which they did. They were careful to cooperate with the local Al-Shabaab authorities and received no further demands for payment.[4]

Influence of the Al-Shabaab 'Shuura'

7. Multiple humanitarian sources interviewed by the Monitoring Group pointed to mid-2010 as a turning point, when the Al-Shabaab *Shuura* wrested control from local Al-Shabaab leaders and began to assert its own authority through a systematic rotation of commanders and militias. From that point onwards, organizations reported increasing attempts at extortion by Al-Shabaab, not only from aid organizations, but also from businesses, recipients of remittances and even at the household level. Taxation 'in kind' included abduction of male children as soldiers and female children as 'wives.'

8. In Beledweyne, several agencies dated the first serious pressure they encountered for the payment of registration fees from July 2010. Neither Ahlu Sunna wal Jama'a, nor Hisb'ul Islam, had sought payments there. But after Al-Shabaab established control in Beledweyne, bulk payments were demanded, including a registration fee, a 20 per cent tax on construction, and a US$10,000 'contribution'.

9. Local staff of NGOs in Beledweyne called a meeting to discuss Al-Shabaab demands for payment and to present a common response. They chose to refuse to pay. [5] As a result, some organizations maintained only a sporadic presence in Beledweyne, depending on who controlled the town at a given time. When Al-Shabaab was expelled, agencies could deploy personnel, monitor programmes and honour their contracts - sometimes for only a few days before Al-Shabaab returned again.[6]

10. One organization in Hiiran reported that it was able to remain operational despite its inability to pay. At first no attempts were made to stop its work, though it eventually chose to shut down some programmes on its own. The organization focused on life-saving interventions and accepted no United States funding, which its staff believed allowed them to keep working.[7]

11. In August 2010, Al-Shabaab launched a fund-raising campaign for reconstruction of a bridge destroyed in fighting in Beledweyne.[8] Organizations in Hiiran region were approached individually and asked to contribute between US$50,000 and US$200,000. Again they came to a common decision not to pay. The deadline passed without any immediate reaction from Al-Shabaab. It was roughly two weeks later when Al-Shabaab leadership in Mogadishu and Kismayo gave orders for raids to expel three organizations from Hiiran and other regions. Shabaab representatives from Mogadishu, including foreigners, were present during some of these raids.

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[4] Interview with IO program officer, Mogadishu, 30 January 2011.

[5] Interview with national officer for IO, Nairobi, 14 October 2010; interview with IO head of office, Nairobi, 26 November 2010.

[6] Interview with IO head of office, Nairobi, 15 October 2010; interview with IO head of office, Nairobi, 26 November 2010.

[7] Interview with IO head of office, Nairobi, 6 December 2010.

[8] Interview with IO head of office, Nairobi, 26 November 2010.

12. Elsewhere in central and southern Somalia, aid agencies responded to Al-Shabaab financial demands in different ways. A number of aid agencies wrote to local or central Al-Shabaab authorities in mid-2010 — some repeatedly — to protest demands for payments and remind them of the consequences of obstructing aid. Some sent letters to the central *Shuura*, others to the 'indigenous Shabaab' — local Al-Shabaab leaders presumed to have closer ties to local communities than foreign-affiliated Shabaab.[9] Only a few organizations received a response.

13. In August/September 2010 Al-Shabaab demanded that an organization operating in southern Somalia pay 20% of its project budget, rent for use of public buildings, car rental, and taxes from its staff members to Al-Shabaab. The organization refused to pay anything, but assumed that staff members or contractors paid out of their own salaries for their own 'security.' Al-Shabaab did not react to the refusal, and the agency continued operations.[10]

14. Another international organization operating across much of southern Somalia told the Monitoring Group that they no longer employed anyone but Somali or Somali diaspora staff for their field operations. When Al-Shabaab's 'Ramadan Offensive' got underway in late August 2010, the agency — like many others — received a demand for payment of taxes, which it refused. In addition, in one area in south central their delivery of supplies for a multimillion-dollar project was stalled when they refused to pay a 20% tax.[11]

15. After the failure of the Ramadan Offensive, rifts within the Al-Shabaab leadership and a renewed focus on military operations, were accompanied by a perceptible easing in Al-Shabaab's demands on humanitarian organizations in many areas. Nevertheless, cases of harassment and extortion persisted. For example, in November 2010, Al-Shabaab was still demanding registration payments for water and farming projects in Beledweyne, though in January 2011 an agreement was reached on terms under which water trucking was permitted to resume.[12]

16. A local Somali NGO was forced to close its offices in Jowhar in December 2010, when central Shabaab pressures overcame the support it had enjoyed from local authorities, and the organization was told that it would have to pay taxes. The office has since been occupied by Al-Shabaab.[13]

Strategies for avoiding payment

17. One prominent international organization told the Monitoring Group that Al-Shabaab was simply looking for excuses to close down aid agency operations and expel them from Somalia. Accusations of Christian or U.S. affiliation provided convenient justifications. Other humanitarian aid workers told the Monitoring Group they believed that the foreigners in Al-Shabaab were the driving force behind the expulsions, because only foreigners would be indifferent to the needs of local communities.[14] But

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[9] Interviews with multiple international aid workers, Nairobi and Mandera, October 2010 to January 2011.

[10] Interview with IO head of office, Nairobi, 12 January 2011.

[11] Interview with IO head of office, Nairobi, 15 October 2010.

[12] Interview with IO head of office, Nairobi 8 November 2010.

[13] Interview with Somali NGO officer, Nairobi, 18 April 2011.

[14] Interview with IO head of office, Nairobi, 28 October 2010; multiple interviews with UN officials from November 2010 to March 2011.

the ability of some aid agencies to continue to operate in Al-Shabaab-controlled areas suggests a more complex picture. A variety of coping strategies have permitted a small number of organizations to resist Al-Shabaab's apparent hostility towards humanitarian organizations.

18. Among the scores of UN agencies, international organizations and local NGO employees interviewed by the Monitoring Group, more than a dozen have continued to operate, despite the harsh and challenging operational environment in south central Somalia. One of these was an organization that continued to provide aid in Afgooye and Mogadishu throughout the year. This organization attributed its success to an 'open door policy,' and the value it placed in the trust of local leaders and authorities. It also cited the importance of its commitment to operational neutrality. Local community members conducted negotiations on access with local authorities on their behalf.

19. Some medical aid workers believed they were exempted from TFG and Shabaab checkpoint fees because their services were desperately needed by both entities. One told the Monitoring Group that he and his colleagues had routinely been stopped at Al-Shabaab checkpoints (including by their 'humanitarian coordinators'), but that these situations were generally fairly quickly resolved.[15] One agency noted that at times it received 'free support' from local Shabaab leaders, who provided them with security during transport or distribution of relief supplies. Others said they seemed to be targeted less frequently if they were providing drought-related assistance.[16]

20. One UN agency with a solid reputation for development of local capacity, as well as success in meeting immediate humanitarian needs, believed that Al-Shabaab couldn't stop its activities because these benefitted the most basic economic foundations of Somali society, including Al-Shabaab families. This organization utilized an effective means of cash transfer to beneficiaries and local institutions, an individual voucher program within a cash-for-work system. The structure of the work of this organization — simultaneously conducted at village, district, region and central levels — with communities and with TFG counterparts — ensured a relatively clear verification and certification process, while paying for services from the bottom up allowed this agency to avoid a dangerous concentration of materials and funds.[17]

21. In Gedo region, when the Al-Shabaab authorities learned about this system, they attempted to stop it, but failed. Instead, they decided that it was improper to tax individuals for their work, and allowed the programme to continue.

22. In southern and central Somalia, it seems likely that some NGO implementing partners have been paying nominal taxes on behalf of international agencies — relatively small amounts in comparison with the taxes Al-Shabaab imposes on private enterprise.[18] One organization still able to operate in Afgooye for much of 2010 had a clear policy of refusing to pay taxes, and was emphatic that none of its local partners paid for them either. But virtually no other international organization interviewed by

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[15] Interview with Somali NGO, Mogadishu, 30 January 2011; interview with national IO program officer, Mogadishu, 30 January 2011; interview with IO head of office, Nairobi, 19 October 2010.

[16] Interview with IO head of office, Nairobi, 11 January 2011.

[17] Interview with Somali UN consultant, Nairobi, 21 February 2011.

[18] Interviews with UN agency officials and other sources, Nairobi, December 2010-March 2011.

the Monitoring Group could state with such certainty that no one was paying 'taxes' to Al-Shabaab on their behalf.

23. Sometimes local transporters would provide money at an Al-Shabaab checkpoint, or make a payment to local authorities. This often appeared to be done without the knowledge of contracting organizations.[19] Most took serious precautions against this, including prohibiting the distribution of non-food items by local partners, but limitations on access blocked their ability to verify compliance.[20]

24. One local Somali organization in Lower Shabelle responded to Al-Shabaab taxation demands by keeping a low profile, and making changes in operational procedures. Among other measures, the NGO began to use unmarked food sacks without international branding.[21] The organization was asked to pay taxes, but refused and was simply told to 'do their job.' They believe they were left relatively unimpeded because of their local community relationships.

25. For the vast majority of international humanitarian actors, however, such ad hoc and localized solutions have been insufficient to permit a resumption of activities in Al-Shabaab areas. Many have told the Monitoring Group that they would need Al-Shabaab to take genuine and concrete steps to remove the current restrictions they have imposed. Demands for taxation of humanitarian activities must cease, along with the physical threats to staff and beneficiaries.[22]

26. Some aid agencies, however, are less categorical about the conditions under which they would agree to operate. One international aid official told the Monitoring Group that it was necessary for aid agencies themselves to: distinguish between those Al-Shabaab leaders who facilitate humanitarian operations and those who hinder them, avoiding the latter while engaging the former in constructive dialogue; be patient with changes among stakeholders; maintain proximity to projects; demonstrate respect for local communities, and advocate with elders; and, finally, refuse to acquiesce to any demands to pay to continue operations.[23]

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[19] Interview with former UN agency aid worker, Nairobi, 9 January 2011.
[20] Interview with several IO officers, Nairobi, 28 October 2010.
[21] Interview with UN agency program officer, Nairobi, 10 November 2011.
[22] Interview with UN agency head of office, Nairobi, 18 October 2010.
[23] Interview with IO head of office, Nairobi, 8 November 2010.

Annex 7.3.: Humanitarian aspects of the mandate of the African Union Mission in Somalia

1. According to its humanitarian mandate, AMISOM should be: enhancing coordination between AMISOM, TFG and the UN country team in order to ensure greater access; creating a conducive security environment in Mogadishu and other regions, to enable humanitarian agencies to reach the civilian population with much-needed assistance; and undertaking community support projects, including in the areas of water supply, health services and social service infrastructure development, in the areas under AMISOM/TFG control.[1]

2. Some humanitarian agencies have objected to the real or perceived 'integration' of military, political and humanitarian operations, which could potentially jeopardize their neutrality and independence. AMISOM officials have responded to such concerns by clarifying that their humanitarian mandate is limited to facilitating, "as may be required and within its capabilities, humanitarian operations, including the repatriation and reintegration of refugees and the resettlement of IDPs."[2] AMISOM leaders have said they would welcome independent humanitarian operations in areas under their control.[3]

3. Despite limited resources, AMISOM has played a *de facto* role in providing humanitarian assistance — most notably medical care — to civilians around Mogadishu. AMISOM hospital facilities had treated 140,000 civilians and conducted 3,200 surgeries as of March 2010,[4] and they were reportedly treating 12,000 patients per months as of late 2010.[5] AMISOM troops shared food and also provided other materials to IDPs. They reportedly delivered over 60,000 liters of clean water per day.[6]

4. However, AMISOM forces still stand accused by Somali and international observers of indiscriminate fire and the killing of civilians. Some UN officials have told the Monitoring Group that they do not believe that such actions were all 'isolated incidents' carried out by 'low level soldiers.'[7] AMISOM officials have refuted most allegations against them, arguing that reporting by the media and international organizations has conflated TFG and AMISOM actions, and confused 'indirect fire' with intentional targeting.[8] AMISOM continues to work under a Chapter VI mandate, but modified its rules of engagement to make operations more sensitive in civilian populated areas.[9] It has also issued statements of apology for several incidents that resulted in civilian casualties or the destruction of property.[10]

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[1] Based on AMISOM mission plan developed for the humanitarian department according to it's mandate; and AMISOM mission mandate.

[2] Ibid.

[3] Interview with AMISOM official, Mogadishu, 27 January 2011.

[4] Interviews with AMISOM doctors, Mogadishu, 10 December 2010.

[5] Interview with AMISOM official, Nairobi, 7 April 2011.

[6] Interview with AMISOM official, Nairobi, 7 April 2011.

[7] Interviews with UN agency officials, Nairobi, 8 October 2010 and 27 April 2011.

[8] Interviews with TFG, AMISOM and UN officials, October 2010 to January 2011.

[9] Interview with AMISOM official, Nairobi, 9 October 2010.

[10] www.allheadlinenews.com/articles/7020625091?/Somalia:%20AMISOM%20Takes%20Its%20Apology%20For%20Civilian%20Deaths#ixzz16MyL1vY. http://allafrica.com/stories/201101260410.html. http://www.allheadlinenews.com/briefs/articles/90032178?Somalia%3A%20AMISOM%20arrests%20soldiers%20who%20hurt%20Mogadishu%20civilians#ixzz1FWGSMK9X.

Annex 7.4.: Transitional Federal Government registration and regulation of humanitarian activities

1. Registration with the TFG was sometimes perceived by humanitarian actors as a form of obstruction, according to several aid agencies. Most local partners were not keen to be identified with the TFG as it put them at even greater risk from Al-Shabaab.[1] A TFG spokesperson responded that NGOs seemed to resent regulatory authority they were trying to impose after so many years of complete absence of oversight over their activities in Somalia. He stated that the TFG takes the safety of NGOs very seriously.[2]

2. A former TFG minister described relations between the government and humanitarian organizations to the Monitoring Group as 'amicable,' including the provision of letters of exemption and waivers to organizations. But simultaneously the TFG was developing mechanisms to register all non-governmental organizations operating in Somalia.

3. On 3 October the former TFG Ministry of Humanitarian Affairs and Resettlement issued a letter requiring all aid agencies to register at his office and the office of the Mayor of Mogadishu by the end of the month.[3]

4. At the same time, many TFG officials and some UN officials noted increasing opportunities made available for humanitarian operations in TFG-controlled areas that were not being utilized. A group of Mogadishu district commissioners said UN agencies could and should return to TFG-controlled areas.[4] A deputy minister correctly noted that since late 2010 displaced persons had been relocating from Al-Shabaab-held areas of north Mogadishu, Afgooye, and rural areas surrounding Mogadishu to TFG-held areas of the city, where they believed they would find humanitarian aid.[5] Ministers appeared generally frustrated both with the minimal international aid presence in Mogadishu, and with a lack of coordination between international agencies and relevant TFG ministries. One Minister stated, "The major dilemma has become obstruction on one side and absence of resources on the other."[6]

5. TFG officials called for humanitarian operations to resume in a number of areas outside Mogadishu as well, yet generally lacked the authority or capacity to assure a secure operating environment in those areas.

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[1] Interviews with several IO officials, Nairobi, October-December 2010.

[2] Email received on 27 May 2011.

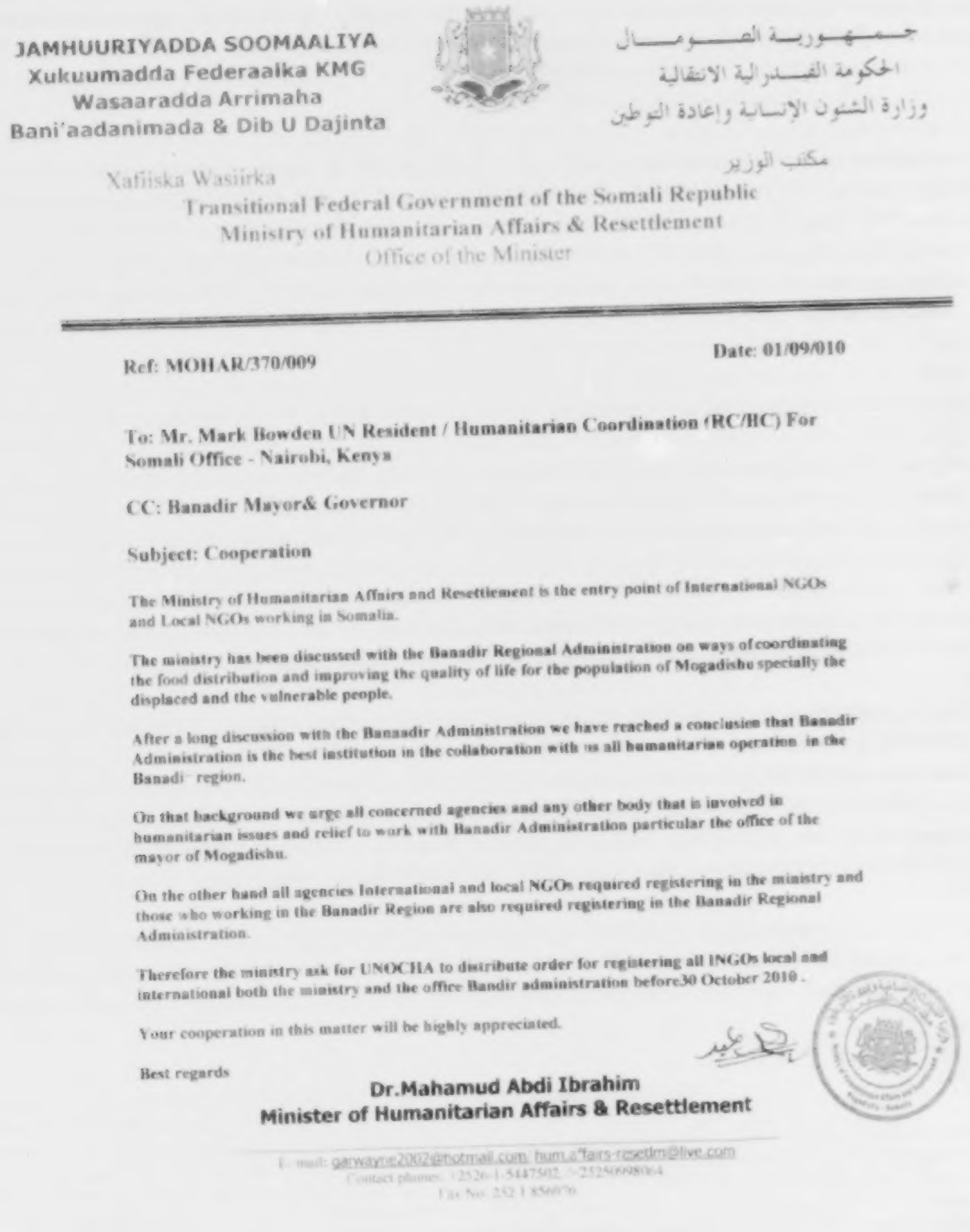
[3] Annexed below.

[4] Focus group with Mogadishu district commissioners, Mogadishu, 11 December 2010.

[5] Interviews with several IO and TFG officials, Nairobi and Mogadishu, December 2010-January 2011.

[6] Interview with TFG minister, Mogadishu, 28 January 2011.

Annex 7.4.a.: Transitional Federal Government non-governmental organization registration



JAMHUURIYADDA SOOMAALIYA
Xukuumadda Federaalka KMG
Wasaaradda Arrimaha
Bani'aadanimada & Dib U Dajinta

جمهورية الصومال
الحكومة الفدرالية الانتقالية
وزارة الشئون الإنسانية وإعادة التوطين

Xafiiska Wasiirka
مكتب الوزير

Transitional Federal Government of the Somali Republic
Ministry of Humanitarian Affairs & Resettlement
Office of the Minister

Ref: MOHAR/370/009

Date: 01/09/010

To: Mr. Mark Bowden UN Resident / Humanitarian Coordination (RC/HC) For Somali Office - Nairobi, Kenya

CC: Banadir Mayor& Governor

Subject: Cooperation

The Ministry of Humanitarian Affairs and Resettlement is the entry point of International NGOs and Local NGOs working in Somalia.

The ministry has been discussed with the Banadir Regional Administration on ways of coordinating the food distribution and improving the quality of life for the population of Mogadishu specially the displaced and the vulnerable people.

After a long discussion with the Banaadir Administration we have reached a conclusien that Banadir Administration is the best institution in the collaboration with us all humanitarian operation in the Banadi region.

On that background we urge all concerned agencies and any other body that is involved in humanitarian issues and relief to work with Banadir Administration particular the office of the mayor of Mogadishu.

On the other hand all agencies International and local NGOs required registering in the ministry and those who working in the Banadir Region are also required registering in the Banadir Regional Administration.

Therefore the ministry ask for UNOCHA to distribute order for registering all INGOs local and international both the ministry and the office Bandir administration before30 October 2010 .

Your cooperation in this matter will be highly appreciated.

Best regards

Dr.Mahamud Abdi Ibrahim
Minister of Humanitarian Affairs & Resettlement

E-mail: garwayne2002@hotmail.com; hum.affairs-resetlm@live.com
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Fax No: 252 1 856076

Annex 7.5.: Puntland — obstacles to humanitarian assistance

1. The Monitoring Group was unable to access Puntland during this mandate due to restrictive and at times contradictory UN regulations. It nevertheless collected data from a number of local NGO, international organization (IO) and UN sources, and met with Puntland officials in Nairobi and Addis Ababa, including Puntland President Faroole.

2. Government officials complained that aid to Puntland fell far short of requirements of the local community and of the approximately 139,000 IDPs hosted in the region.[1] UN agencies reported regular requests from Puntland officials for timely and comprehensive humanitarian aid to address poverty and unemployment, drought conditions, and post-conflict destruction of property. There was broad consensus that the overall level of poverty in Puntland remained unacceptably high, and the humanitarian situation therefore fragile. As one informant stated, "One failed rain and everything collapses."[2]

3. Aid agencies also reported increasing incidents of common and organized crime, as well as clan-related violence, which contributed to overall insecurity in the region, directly and indirectly impacting the operational environment.[3] Government officials denied such an increase and noted that, despite terrorist and pirate operations they were fighting, in March 2011 international UN and NGO personnel were able to carry out a drought assessment by road without a security incident.

4. Several organizations reported being compelled to give away food in the absence of reliable police protection in much of the region. Puntland officials reported just one case of theft of food aid in a drought-affected area, which was reportedly recovered by Puntland police.

5. Some organizations were also concerned about increasing requirements for official registration by the Puntland government.[4] They reported that demands for MOUs, registration and staff records sometimes obstructed their operations in the region.[5] In one case the Governor of Gaalka'yo reportedly stopped an NGO meeting, although he later apologized. Puntland officials acknowledged a clear government policy to register NGOs and international organizations, but stated it was for the purpose of ensuring transparency and accountability of humanitarian operations.

6. One organization noted that when they needed to travel to villages or IDP settlements they were vulnerable to abuse by assigned Special Police Unit (SPU) personnel. They reported several incidents during which their staff members were unlawfully held by SPU officers until they received extortion payments.[6]

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[1] UNHCR Total IDPs in Somalia, March 2011.
[2] Interview with IO director, Nairobi, 4 April 2011.
[3] Data provided by UN officers, April 2011.
[4] Interview with Somali NGO officials, Nairobi, 10 December 2010.
[5] Interviews with several IO and UN officials, Nairobi, October 2010-April 2011.
[6] Interview with IO head of office, Nairobi, 29 October 2010; other sources.

Annex 7.6: Somaliland — obstacles to humanitarian assistance

1. Since the election of a new government in June 2011, administrative restrictions and demands on humanitarian actors reportedly diminished, but some obstacles reportedly remained, particularly with respect to the Ministry of Interior.

2. Most local NGOs and UN agencies identified inadequate funding as the greatest obstacle to the provision of adequate assistance in Somaliland.[1] The newly revitalized 'National Human Rights Commission' reoriented itself toward economic rights.[2] Local umbrella organizations mobilized to improve their outreach and effectiveness in the provision of aid, as did related UNDP-supported community security projects across Somaliland.[3] In one innovative move, Somaliland's new Minister of Education abolished most educational fees, thus removing an obstacle to UN assistance for water, sanitation and other structural support for schools. According to Edna Aden, director of the women's hospital bearing her name in Hargeisa, and others, what Somaliland most lacks is technical assistance, and institution and capacity building. There were substantial international pledges of aid made to and for Somaliland, but evidence of fulfilment of those pledges was not yet in evidence.

3. The inordinate concentration of aid agencies in Hargeysa produces an uneven distribution of assistance throughout Somaliland — arguably constituting an obstacle to the provision of humanitarian assistance to remote or marginalized areas. The absence of donor representation in Somaliland also makes it difficult for local NGOs to present their funding needs and proposals.[4]

4. Drought, climate change and erratic rains seriously affected rural areas of Somaliland. Increased numbers of urban poor moved to Hargeysa and other towns due to increasing related economic need, and exacerbating tensions in rural areas.[5] Government officials criticized UN agencies for focusing attention and funding on southern Somalia while neglecting local humanitarian needs.

5. Though security concerns were far fewer in Somaliland than in southern and central Somalia, they still prevented many humanitarian actors from regular access to Sool and eastern Sanaag as well as parts of south-eastern Togdheer.[6] Conflicts over land and water in Buhoodle, Las Anod and Kalshaale continued and obstructed aid.

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[1] Interviews with several local NGOs and umbrella organizations, Hargeysa, February 2011.

[2] Interview with Interim Chair of the NHRC, Hargeysa, 24 February 2011.

[3] Interview with UNDP official, Hargeysa, 23 February 2011; UNDP Community Safety and Security Analysis for Burao; UNDP CSSA for Las Canood; UNDP District level peace building ; UNDP Monitoring and Assessment Toolkit; UNDP Observation of Conflict and Violence Prevention; UNDP Women as Victims and Vectors of Peace.

[4] Interview with NGO director, Hargeysa, 24 February 2011.

[5] Independent Scholars Group: Need to Address Pastoral Land Degradation and Increasing Rural Conflicts in Somaliland. 29 January 2011.

[6] Interview with IO head of office, Nairobi, 26 October 2010.

Annex 7.7.:
Obstruction of assistance by other regional authorities, freelance militias and bandits

1. Al-Shabaab expulsions and other threats against aid workers in the south, combined with OFAC and other restrictions on operations in Al-Shabaab-held areas, led many UN agencies and NGOs to shift their activities to northern and central Somalia in late 2010. While self-proclaimed authorities often established some degree of stability for humanitarian operations, they also introduced efforts to control assistance, as well as arbitrary — and sometimes restrictive — conditions on aid access and delivery.

2. Aid agencies asked for guidance from the UN and donor governments on how to negotiate with whom and what to pay, including taxes and other demands imposed by various regional and local authorities.[1]

3. Gaalka'yo was the site of numerous IED attacks, assassination attempts and assassinations. While many aid agencies were able to operate in north Gaalka'yo, and a smaller number in South Gaalka'yo, the area remained volatile.

4. In southern Gaalka'yo (south Mudug region), incidents of forced taxation of aid agencies by Gaalmudug administration officials were reported.[2]

5. Ahlu Sunna Wal Jama (ASWJ) controlled much of Gaalgaduud region, and at times imposed limitations on vehicle transport.[3] Humanitarian officials also reported that ASWJ began requests for payments from NGOs in 2010.[4]

6. In late June 2010, the 'Himan iyo Heeb' administration condemned aid agencies for failing to support communities under their control. An international humanitarian consultant and his driver working for Save the Children, conducting an assessment for possible re-engagement in 'Himan iyo Heeb' and Gaalgaduud, were abducted from Adado in October 2010.[5]

7. In December 2010, a guard working for a prominent Somali NGO was shot dead while participating in a cash distribution program in Laas Qoray village, which is contested by Somaliland and Puntland, and administered by neither. According to NGO officials, the perpetrators were young bandits. The killer was apprehended, and within two months local clans reimbursed the stolen money. The perpetrator was later killed by the family of his victim.

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[1] Interview with IO head of office, Nairobi, 15 October 2010.
[2] Email received from IO official, 27 May 2011.
[3] Interview with UN head of agency, Nairobi, 27 October 2010.
[4] Email received from IO official, 27 May 2011; other IO representatives in late 2010.
[5] Interviews with several UN agencies and IOs, Nairobi, November-December 2010; interview with the former hostage, Nairobi, 18 November 2010.

Annex 7.8.: Review of World Food Programme operations and corrective measures

1. Since January 2010, WFP has withdrawn from all areas of southern Somalia except Mogadishu, but remained active in Mudug, Gaalgaduud, Puntland and Somaliland. The organization has generally enjoyed freedom of movement when dealing with regional authorities, but faced some impediments to transportation in the contested zone between Somaliland and Puntland. It continued to supply 16 wet feeding centres across Mogadishu, feeding at which jumped from 65,000 to 80,000 people per day by early 2011.

2. WFP has taken a variety of measures in response to findings in the March 2010 Monitoring Group report with respect to misappropriation of food aid. Immediately following publication of the report, WFP announced that it was suspending the contracts of three individuals named in the report pending further investigation. According to one WFP staff member, "at the time of the last SMG report all the central mechanisms were not yet in place, not yet adapted to a climate like Somalia." However, WFP Somalia has since begun to reform mechanisms for accountability and transparency, especially in Mogadishu. WFP has kept the Monitoring Group closely informed of the measures taken by the organization to address past problems, while taking into account Somalia's exceedingly challenging circumstances.

3. In May 2010, the WFP Inspector General shared with the UN Sanctions Committee a December 2009 internal report in response to media allegations regarding WFP contractor improprieties and possible diversion of aid.

4. In 2010 WFP began to rotate local transport contractors regularly. In mid-year, the organization imposed a 3-month suspension of operations after national staff members were killed. It has conducted integrated assessments roughly every 6 months, and shared the findings of those assessments with the Country Office and WFP headquarters. WFP has also begun to take beneficiary finger prints on distribution lists as acknowledgement of receipt of food assistance by heads of family, and has established a hotline to report diversion or improper distribution of food assistance.[1]

5. In June 2010 WFP produced a document entitled, "Review of Allegations Regarding WFP Operations in Somalia Contained in the Report of the Monitoring Group on Somalia dated 10 March 2010." The document outlined WFP's initial responses to 13 identified allegations from the March 2010 SMG report.

6. In November 2010 the SEMG met with WFP external auditors to discuss their terms of reference regarding WFP operational risk, assessment of current control mechanisms, and further recommendations in light of a number of recent investigations, including the March 2010 SMG report. The WFP external auditors were not tasked with further investigation into SMG evidence, but did review the work of the WFP Inspector General, while focusing on the primary allegations made in the March 2010 SMG report. The SEMG provided its full support for the external audit, and additional information as requested. The WFP external auditors later published their findings in a report entitled,

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[1] See Annex 7.8.a for a copy of the card advertising this hotline.

"External Audit Report: World Food Programme's Somalia Operations" in January 2011, and the WFP management response to that report was released later the same month

7. In December the SEMG met with the WFP Inspector General in Nairobi. At that time the SEMG recommended that WFP establish a system of tracking sub-contractors, as well as contractors. The IG raised changes already made by WFP management, including the requirement that contract allocations must be approved by the Somalia country director. At that time the organization was considering ways to ensure access to final distribution points for better oversight of deliveries. Investigations had also been carried out regarding specific incidents. It is the understanding of the SEMG that the WFP IG has continued investigation into half a dozen allegations from the last SMG report, including staff accountability and systems weaknesses. WFP has since appointed a dedicated 'compliance officer' to ensure adequate oversight in application of WFP rules/regulations in the context of WFP Somalia operations, assist in identification and mitigation of risks, and provide support in enhancement of internal controls. The SEMG has welcomed this commitment to preventive control of WFP operations and contracting.

8. In January 2011, WFP contracted two third party entities to monitor food distribution activities in central Somalia and Mogadishu to complement its monitoring activities in areas where WFP staff had limited or no access due to security constraints. In cases of reported looting or any similar incident, the first step was to approach local elders and other authorities to ascertain the facts, regain any lost materials, and conduct an assessment of the incident. WFP introduced a fine of US$1,000 per metric for partners who lost or misused food, except in well-documented situations of *force majeure*.

9. In April 2011, the SEMG received information about the implementation of suggested changes in WFP procedures. Since December the WFP IG's office conducted further investigation in their Somalia office in Nairobi regarding specific areas identified by the IG's review of the information provided by the SEMG. They also reviewed two areas identified by the WFP External Auditor's Report issued in January 2011.

10. In late April 2011, the SEMG was provided with a copy of the Inspector General's Investigation of Allegations Contained in the Report of the Monitoring Group on Somalia and the Observations made by the External Auditor on WFP Somalia Operation. The IG reported that virtually all of the recommendations from his previous investigation report in 2009 have been implemented by WFP management, resulting in improved reporting and tracking mechanisms, stricter control of contracting and assessment procedures, and adoption of alternative programming tools within the Somalia context. One additional item, the development of an alternative framework for operations in high-risk environments, was still in process.

11. While finding a number of previous allegations unsubstantiated, the IG also offered the following recommendations to the Somalia Country Office of WFP:

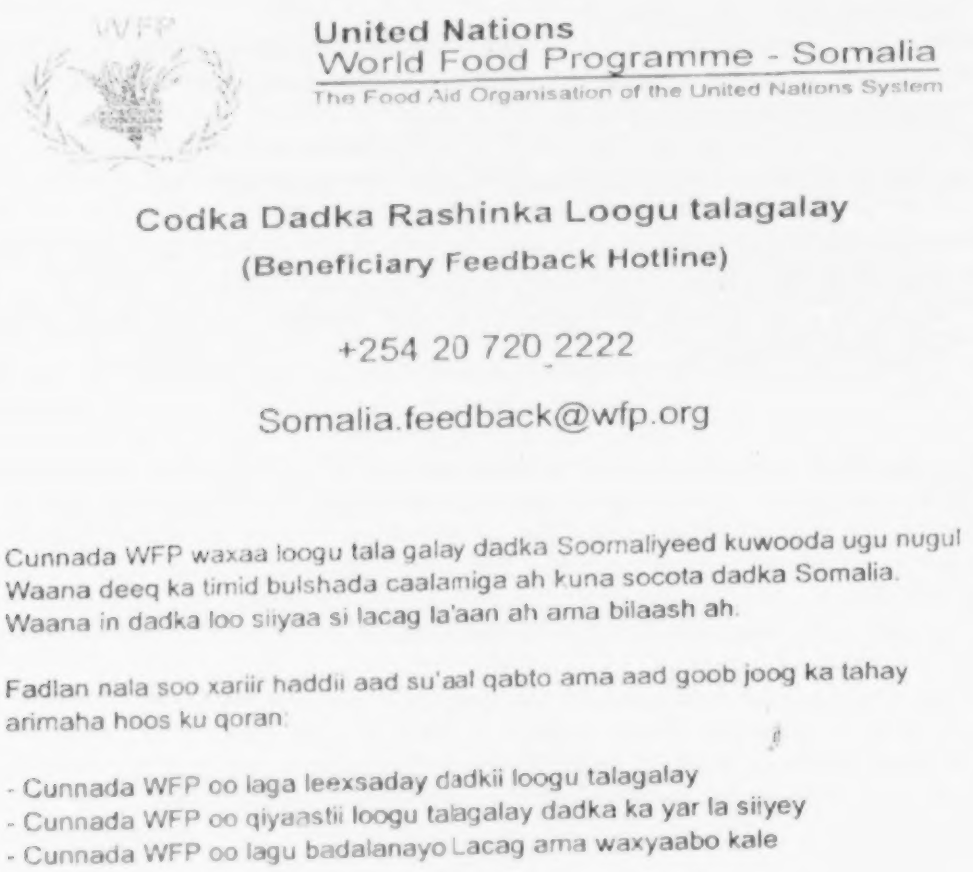
- Adequately plan its food pipeline to avoid breaks that cause more expensive local/ regional purchases to be made;

- Ensure any requests for more expensive local/regional purchases are adequately justified;
- Ensure there is adequate evidence to justify amounts of expenditure incurred and to ensure that WFP obtains 'best value';
- Ensure that requests for waivers of competition are adequately justified and that complete information is submitted to the HQ Procurement and Contracts Sub-Committee (PCSC);
- Adhere to instructions given by the HQ PCSC.

12. The IG also offered the following recommendations to the Procurement Division:

- Closely scrutinize requests for local/regional purchase of food that result in additional expenditure being incurred and ensure they are adequately justified;
- Ensure that the Procurement Authority submits adequate justification for requests for waivers of competition.

Annex 7.8.a.: World Food Programme compliant hotline



United Nations
World Food Programme - Somalia
The Food Aid Organisation of the United Nations System

Codka Dadka Rashinka Loogu talagalay
(Beneficiary Feedback Hotline)

+254 20 720 2222

Somalia.feedback@wfp.org

Cunnada WFP waxaa loogu tala galay dadka Soomaliyeed kuwooda ugu nugul Waana deeq ka timid bulshada caalamiga ah kuna socota dadka Somalia. Waana in dadka loo siiyaa si lacag la'aan ah ama bilaash ah.

Fadlan nala soo xariir haddii aad su'aal qabto ama aad goob joog ka tahay arimaha hoos ku qoran:

- Cunnada WFP oo laga leexsaday dadkii loogu talagalay
- Cunnada WFP oo qiyaastii loogu talagalay dadka ka yar la siiyey
- Cunnada WFP oo lagu badalanayo Lacag ama waxyaabo kale

Annex 8

Support for armed groups in the region

Annex 8.1.: Eritrean training facilities

1. In support of its external operations, Eritrea maintains an extensive and complex network of training centres, camps and facilities. While training of foreign armed opposition groups is conducted under the auspices of the National Security Agency (NSA), training centres are often co-located with military facilities, and logistics and material are often provided by the military.

2. The Monitoring Group's description of training facilities is based largely, but not exclusively, on interviews with over 100 former members of 6 armed opposition groups, including:

- Al-Shabaab (AS)
- Hisb'ul Islam / Somali Islamic Front[1]
- Hisb'ul Islam / ARS Asmara
- Ogaden National Liberation Front (ONLF)
- Oromo Liberation Front (OLF)
- *Front Pour le Restauration de la Démocratie* (FRUD)

3. Testimony from these interviews has been consistent with respect to locations, place-names, identities of key officers, and the nature of the training given, particularly in central and eastern Eritrea. However, the function and even location of some of the smaller facilities has changed over time, so some of the information in this report may already be outdated.

Kiloma

4. The principal training facility in eastern Eritrea is at Kiloma, near Assab in Southern Red Sea Province. Kiloma is a permanent Eritrean military installation, which serves as a hub for smaller, apparently temporary facilities established for the purposes of training foreign armed groups. Former trainees from the ONLF, Hisb'ul Islam and Al-Shabaab have described their experiences at this facility to the Monitoring Group.[2] Detainees from the ONLF and FRUD also told the SEMG that they had seen trainees from Somali, Oromo (OLF) and Afar rebel groups at Kiloma between 2007 and 2009.[3]

5. The eastern sector is under the command of General Gerezgiher Andemariam "Wuchu" who replaced General Haile Samuel "China". Former trainees frm several different armed opposition groups have told the Monitoring Group that training activities in the Southern Red Sea zone are supervised by Colonel Asaynet, who reportedly replaced Colonel 'Wedi Seyoum' upon his death in 2010.[4]

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[1] Also known as *Jabhadda Islaamiga Soomaaliyeed* or JABISO.

[2] Interviews conducted with armed group members in November 2010

[3] Interview with Mohamed Jabhaa, 30 November 2010. He specifically identified other Afar groups at Kiloma as Afar Liberation Front (ALF), Ugugumo (Afar Revolutionary Democratic Front or ARDUF) and Rayah.

[4] Multiple sources: ONLF, OLF and Mohamed Jabhaa.

6. ONLF detainees interviewed in Jigjiga in November 2010 told the Monitoring Group that when 300 ONLF trainees arrived at Kiloma in 2008, where they were first received by Colonel Assaynet. The training school commander at the time was known as 'Tesfay' and their training course was supervised by a Colonel 'Simon'. Trainees also accurately described Colonel "Musa" (aka Tewelde Habte Negash), who used to visit their camp occasionally in a supervisory capacity. Subjects taught at the school included basic infantry training, heavy weapons, explosives, telecommunications, tank training, METIS, and SAMs. Sixty of the trainees also received some form of leadership training.[5]

Ras Darma

7. In June 2008, clashes between Eritrean and Djiboutian forces in the border area near Ras Dumeira threatened to escalate into generalized conflict. According to ONLF detainees, their training at Kiloma was briefly relocated to Ras Darma, a coastal village to the north of Assab, further from the Djiboutian border. From Ras Darma, the trainees were again relocated to a camp at Een, near the village of Shi'ib, to the north of Massawa, until the completion of training in 2010.

Een

8. The training camp at Een has been operational since at least late 2008 or early 2009. Numerous fighters from both the ONLF and OLF have described their experiences at this facility to the Monitoring in considerable detail.[6] OLF trainees at Een also encountered Tigrigna speaking militia whom they referred to as 'Demhit' — a nickname for the Tigrayan People's Democratic Movement (TPDM).[7] Members of the OLF also told the Monitoring Group that their trainers in the camp often compared them to Al-Shabaab, describing the Somali militants as courageous and capable fighters.

9. ONLF and OLF trainees uniformly identified the Een camp commander as Colonel Jamal.[8] Among the other instructors at Een identified by trainees, the most important appear to have been:

- Colonel Salim (Deputy Camp Commander)
- Colonel Abraha (commander of special 'OLF' facility)
- Major Debesai (explosives)
- Captain Tesfaye (unarmed combat)
- Simon (navigation)
- Ibrahim (basic military skills)

10. According to trainees, subjects taught at Een included basic military training, "commando" or "ranger" training, which involved advanced infantry skills and unarmed combat, weapons training, explosives, sniper skills, and preparation for operations in arid environments.

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[5] Interviews with former ONLF fighters, 10 November 2010. Other instructors identified by trainees included 'Mesfin' (navigation) 'Yosef' (heavy weapons and navigation), Dawid (anti tank weapons) and 'Mengiste-ab'.

[6] Interviews with former ONLF fighters in November 2010 and with OLF detainees in February 2011.

[7] Interviews with OLF detainees in February 2011.

[8] Interviews with former OLF fighters trained at the camp, February 2011; interviews with former ONLF fighters trained at the camp, December 2010.

11. A separate training facility was established at Een in late 2009, for OLF recruits being prepared for a special, covert mission timed to coincide with the February 2010 African Union summit in Addis Ababa (see OLF case study in main section of the report). The commander of the facility was Colonel Abraha, under the guidance of Colonel Jamal. Colonels General Te'ame and Colonel Gemachew also regularly visited this facility to observe the progress of the trainees.

Anda'ali

12. Unlike members of other Afar rebel groups from Ethiopia, who trained in the vicinity of Kiloma, the first training camp for militia from the Djiboutian FRUD was established at Ghibdo, about 40 km from Assab, in approximately October 2008. In mid-2009, due to a number of desertions, the training was moved further away from the border, first to Debasim, then towards the end of 2009 to Anda'ali.

13. The training facility at Anda'ali is primitive and offers only basic military training and small arms training. Djiboutian security forces do not rate the skill level of combatants trained in these camps very highly.

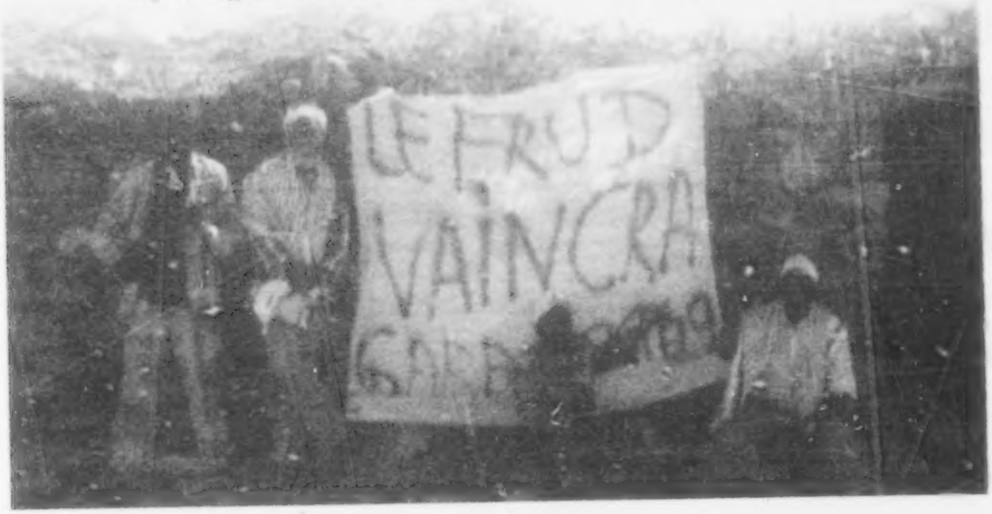
Other facilities

14. Former fighters and detainees interviewed by the Monitoring Group also referred to a number of other training facilities, some of them very rudimentary and probably temporary. The most important of these include:

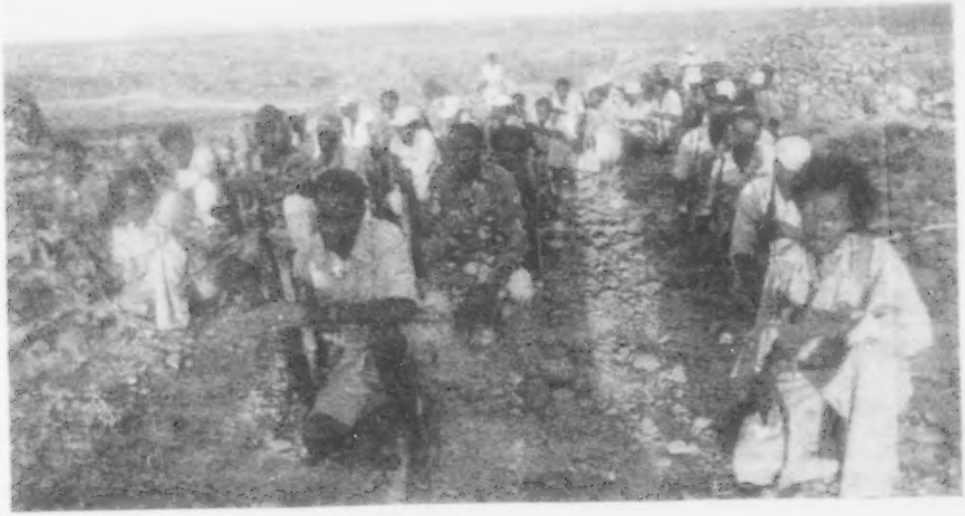
- Asmara: safe houses in Asmara hosted foreign fighters and were described as centres of theoretical training in explosives, intelligence and counter-intelligence / operational security; areas in the vicinity of Asmara, especially quarries, were described as having been used for practical explosives training;
- Dek'emhare: areas in the vicinity of Dek'emhare were used for some basic infantry and explosives training, notably the Hamalait Hotel;
- Gahayre: formerly a training site for Somali armed opposition groups, including Hisb'ul Islam; uncertain whether it is still active;
- Muluber: described by OLF fighters as an exclusively OLF facility under OLF leadership
- Teseney: infantry training

Annex 8.2: Images of Front pour la restauration de l'unité et de la démocratie-Combattant Training at Anda'ali, October 2009

Left to right: unknown, Mohamed Kadd'ami, Mohamed Jabhaa, Hassan Muqbil



FRUD-C Fighters at Anda'ali, October 2009

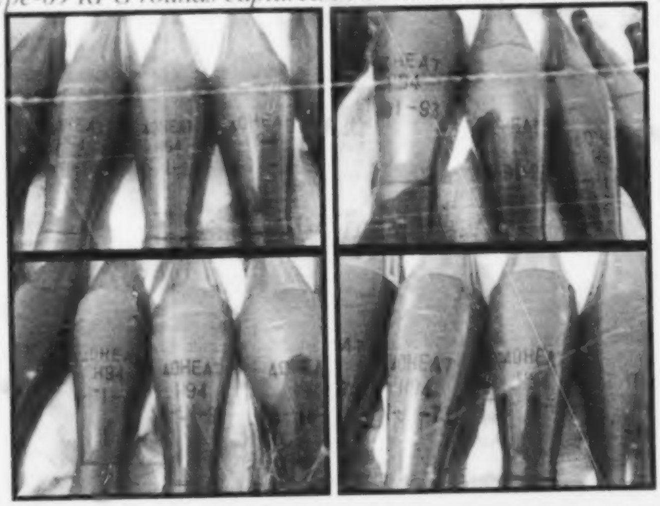


Annex 8.3.: Case study: The Ogaden National Liberation Front "Alanside force"

1. In early September 2010, a group of Ogaden National Liberation Front (ONLF) fighters travelled by boat from Eritrea to a point near the port village of Lughaya on the northwestern coast of Somaliland. They travelled in two dhows, one large and one small, believed by the fighters to have been seized from Yemeni fishermen by the Eritrean authorities. The ONLF unit, which had been named '*Alanside* (the Flag Bearers) comprised 204 men under command of Ahmed Wali Sheikh Abdillahi, nicknamed 'Sanweyne'.[1]

2. After disembarking armed with their arms and equipment, the group walked to a nearby rendezvous, where they were met by three hired trucks dispatched from Boraama to transport them to the Ethiopian border.[2] According to members of the ONLF force, local Somaliland military officials had been bribed to allow them freedom of passage.[3] However, due to a tip-off to the Somaliland police, the ONLF fighters were intercepted at Baxaarasaaf, near the village of Abdulqaadir, and fled into the hills towards the Ethiopian border. In haste, they abandoned some of their weapons and equipment, including 62 rounds of Type-69 RPG ammunition.[4] In addition they left behind two Kalashnikov-pattern assault rifles, 10 military training manuals/notebooks, and one Eritrean Nakfa note. Some of the notebooks were UNICEF-issued schoolbooks with a list of "important dates in Eritrean history" printed on the back cover (pictures of these items are contained in annex 8.3.b). An ONLF commander subsequently interviewed in Ethiopia by the Monitoring Group confirmed that his unit had abandoned the RPGs during their escape because of their weight, and stated that they had been provided to the force by Colonel Jamal, commander of the training camp at Een, Eritrea.[5]

Type-69 RPG rounds captured in Somaliland (4 lot numbers)



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[1] A survivor of the force told the SEMG that the name was given by Adaani, the Deputy of Admiral Osman.

[2] Interview with Chief of Somaliland Criminal Investigation Department, 14 October 2010, and ONLF prisoners, Jigjiga, December 2010.

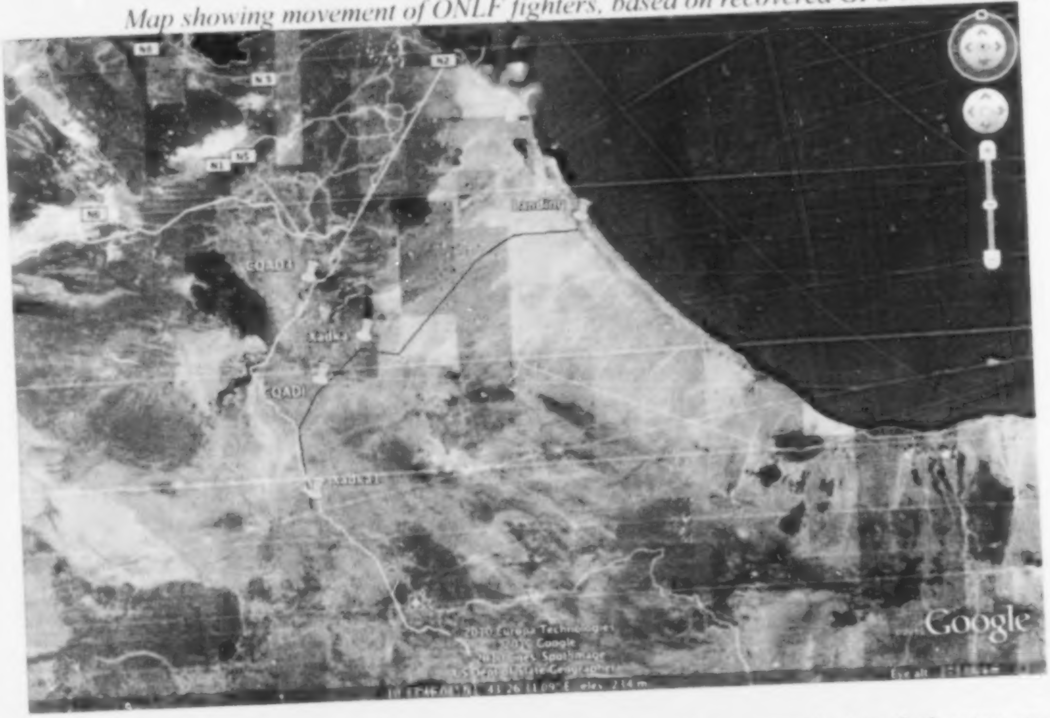
[3] Interviews with former ONLF fighters on 10 November 2010.

[4] A Monitoring Group mission travelled to Hargeysa in October 2010 to inspect the material that had been confiscated by the Somaliland authorities. Among the 62 RPG rounds, the Monitoring Group inspected 21, finding that they were divided into four distinct lot numbers (3-91-93, 7-91-93, 8-91-93, 2-92-73), all of which manufactured by China in the early 1990s. The Monitoring Group sent a letter to China on 15 November 2010 to request details on the sale of the items. In its response dated 14 January 2011, China stated that, "no further information can be provided because the factory producing the weapons was closed down a long time ago."

[5] Interview, November 2010

3. The main ONLF force fled across the border on 13 September 2010, where Ethiopian security forces intercepted them near Sinujiif. In the course of brief series of running battles, most of the ONLF fighters were either killed or captured. Seventy-six members of the group were taken into Ethiopian custody, together with their weapons, equipment and documents. These included two passports containing Eritrean visas issued in Djibouti, medicine, two receipts from Assab military hospital dating from 2009, a video camera with footage from Eritrea showing training activities, and a GPS unit containing coordinates of the ONLF's movement through Somaliland into Ethiopia (see Annex 8.3.c).[6]

Map showing movement of ONLF fighters, based on recovered GPS coordinates:



4. The training manuals, like those recovered in Somaliland, contain detailed notes on weapons and explosives training and English language instruction in military nomenclature, annotated in a mix of Amharic and Tigrigina.[7] The handwritten notes inscribed in the books were dated as late as 3 July 2010 (See Annex 8.3.c).

5. The Monitoring Group also inspected 21 Kalashnikov-pattern assault rifles, four RPG launchers, four general-purpose machine guns, two Dragunov-type sniper rifles, more than 50 F-1 grenades, seven RPGs, and hundreds of rounds of 7.62x39 and 7.62x54R rounds of ammunition that the Ethiopian authorities seized from the '*Alanside* force. The majority of this weaponry was either too dated or bore indecipherable markings rendering it difficult to identify the origin.

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[6] This material was directly inspected by the Monitoring Group

[7] Although Tigrigna serves as a *lingua franca* in Eritrea, members of Ethiopian armed opposition groups received much of their instruction in Amharic, which is the language they most commonly share with their Eritrean instructors.

6. However, the RPGs were assembled by a Bulgarian manufacturer, VMZ Sopot, in 1990-1991. A licence (No. 1473 of 02 March 1999) for the export of 50,000 pieces was signed with the Ministry of Defence of Eritrea. On 10 March 1999, the "Thor Alice" cargo ship delivered the ammunition from Port Bourgas, Bulgaria to Eritrea.[8]

7. The Monitoring Group has sent a letter to the People's Republic of China on 12 April 2011 to inquire about three Type-69 RPG launchers and two Type-56 assault rifles and is awaiting for a response.

Weapons seized from the 'Alanside force in Ethiopia

8. All 76 detainees, including one still seriously injured, confirmed to the Monitoring Group their affiliation with the ONLF, their training and deployment from Eritrea via Somaliland to Ethiopia, and the circumstances of their capture. One of the ONLF unit commanders stated to the Monitoring Group that he had last seen Colonel Negash (using his alias 'Musa' and providing an accurate physical description) at Een at the beginning of September 2010. Upon departure from Een, he claimed that the group was accompanied by Jamal to Massawa, where they were received by Negash and transported to Assab, where they embarked on the dhows.[9]

9. The Monitoring Group then questioned five of the group in greater detail about their backgrounds, recruitment, and training. One detainee told the SEMG that 80 trainees from the cohort remained behind at Een.[10] In late October 2010, one month after the deployment of the 'Alanside force, a serving senior ONLF official confirmed to the SEMG that "ONLF forces still train in Eritrea, often in the vicinity of trainees from other Ethiopian armed groups, including the Sidamo Liberation Front, Amharas, Tigreans and Gambella people."[11]

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[8] Information provided by Bulgarian authorities in writing on 5 January 2011. See Annex 8.3.d for contract and end-user certificate.

[9] Interview with former ONLF fighters on 10 November 2010.

[10] Interview with former ONLF fighters on 10 November 2010.

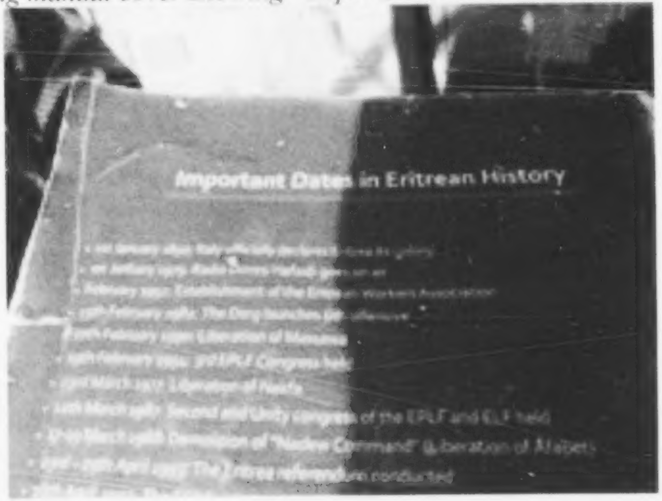
[11] SEMG interview with senior ONLF official, 14 October 2010.

Annex 8.3.a.: Materiel recovered from Ogaden National Liberation Front "Alanside force" in Somaliland

One Nakfa Note

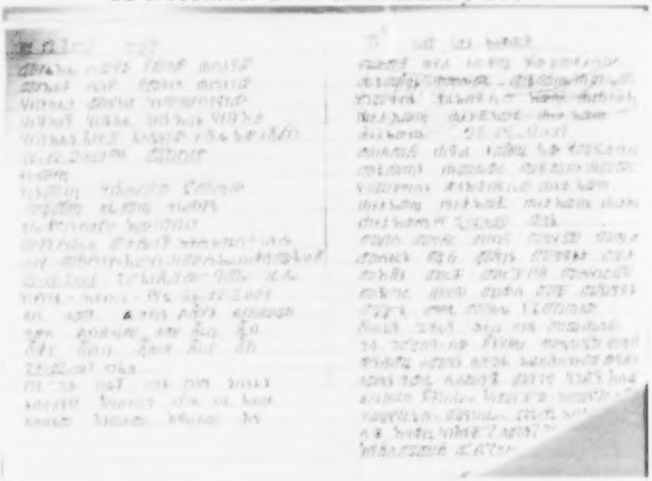
STATE OF ERITREA
ONE NAKFA

Training manual cover showing "Important Dates in Eritrean History"

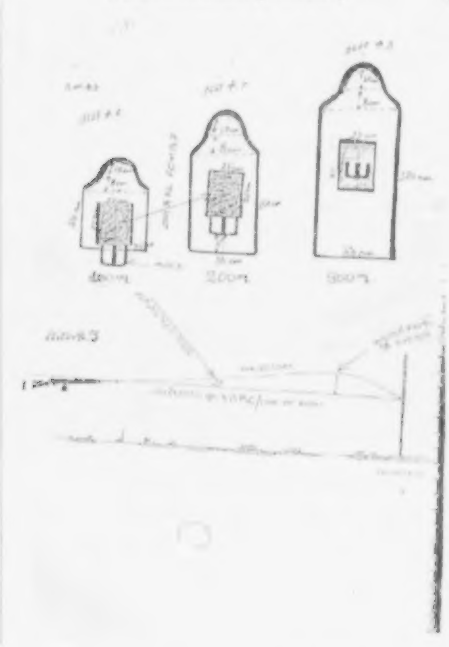


Important Dates in Eritrean History

Page from ONLF fighter's training notebook showing dates 22 December 2009 to 6 January 2010



Page from ONLF fighter's notebook showing marksmanship theory

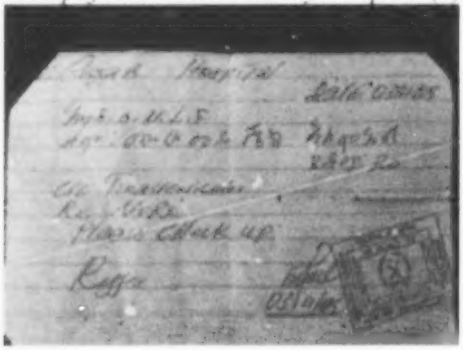


Two Kalashnikov-Pattern Assault Rifles

Sample of 62 rounds of Type-69 RPG ammunition

Annex 8.3.b.: Materiel recovered from Ogaden National Liberation Front "Alanside force" near Jgjiga

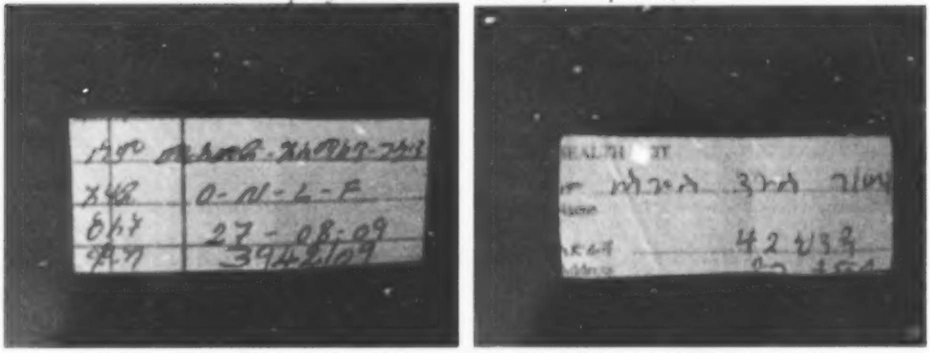
Receipt from Assab Military Hospital (1)



Assab Hospital

Please check up

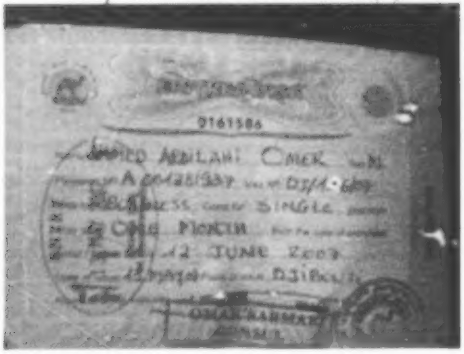
Receipts from Assab Military Hospital (2)



O-N-L-F

27-08-09

Passport with Eritrean visa (1)



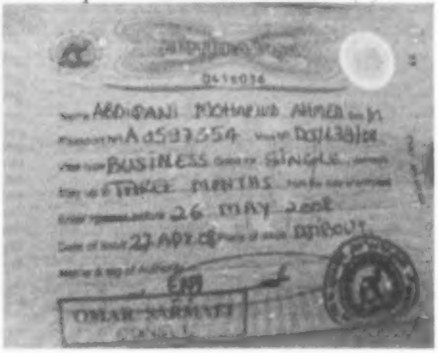
0161586

SINGLE

12 JUNE 2007

DJIBOUTI

Passport with Eritrean visa (2)



BUSINESS

SINGLE

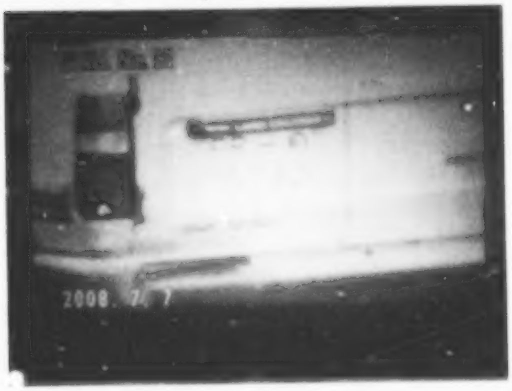
THREE MONTHS

26 MAY 2008

DJIBOUTI

Video footage showing Eritrean Flag

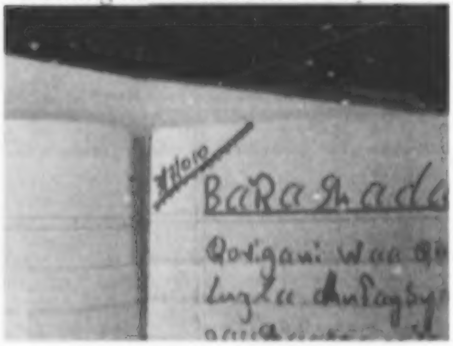
Video footage showing Eritrean license plate



GPS unit: recorded waypoints map route via Somaliland (see Annex 8.3 paragraph 3)

Table of Contents from Navigation Training Manual

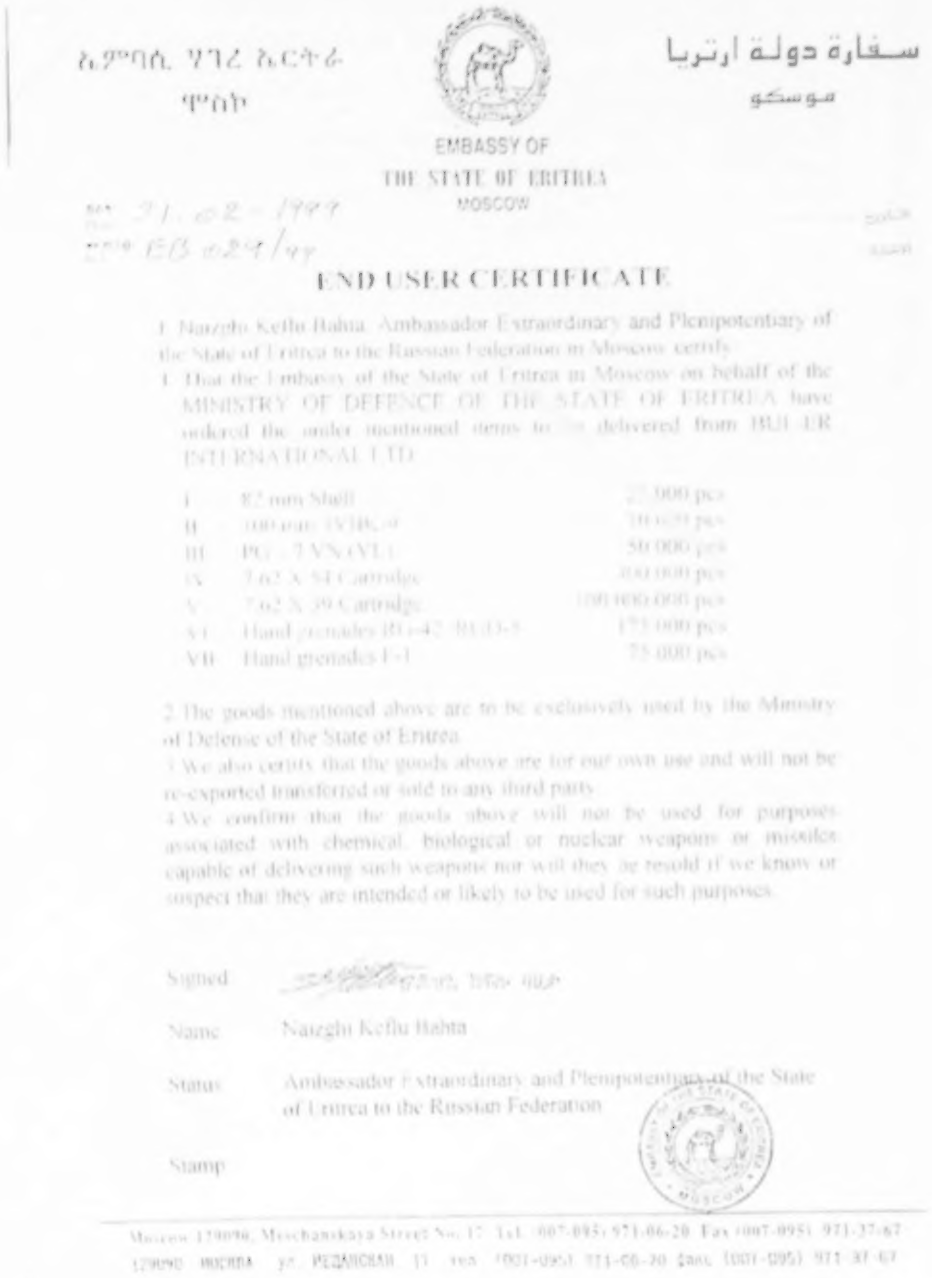
Training notebook dated 3 July 2010



Training notebook showing artillery rounds

3
YBK-4M
5
Ybm-6
4X6
YnbP-412

Annex 8.3.c:
Eritrean end-user certificate for arms and ammunition purchased from Bulgaria



ኤምባሲ ሃገረ ኤርትራ
ሞስኮ

سفارة دولة ارتريا
موسكو

EMBASSY OF
THE STATE OF ERITREA
MOSCOW

21.02.1999
EB 029/99

التاريخ
الرقم

END USER CERTIFICATE

I Naizghi Keflu Bahta, Ambassador Extraordinary and Plenipotentiary of the State of Eritrea to the Russian Federation in Moscow certify:

1. That the Embassy of the State of Eritrea in Moscow on behalf of the MINISTRY OF DEFENCE OF THE STATE OF ERITREA have ordered the under mentioned items to be delivered from BULER INTERNATIONAL LTD.

I	82 mm Shell	27 000 pcs
II	100 mm 3VBK-9	10 020 pcs
III	PG - 7 VN (VL)	50 000 pcs
IV	7.62 X 54 Cartridge	300 000 pcs
V	7.62 X 39 Cartridge	100 000 000 pcs
VI	Hand grenades RG-42, RGD-5	175 000 pcs
VII	Hand grenades F-1	75 000 pcs

2 The goods mentioned above are to be exclusively used by the Ministry of Defense of the State of Eritrea.

3 We also certify that the goods above are for our own use and will not be re-exported transferred or sold to any third party.

4 We confirm that the goods above will not be used for purposes associated with chemical, biological or nuclear weapons or missiles capable of delivering such weapons nor will they be resold if we know or suspect that they are intended or likely to be used for such purposes.

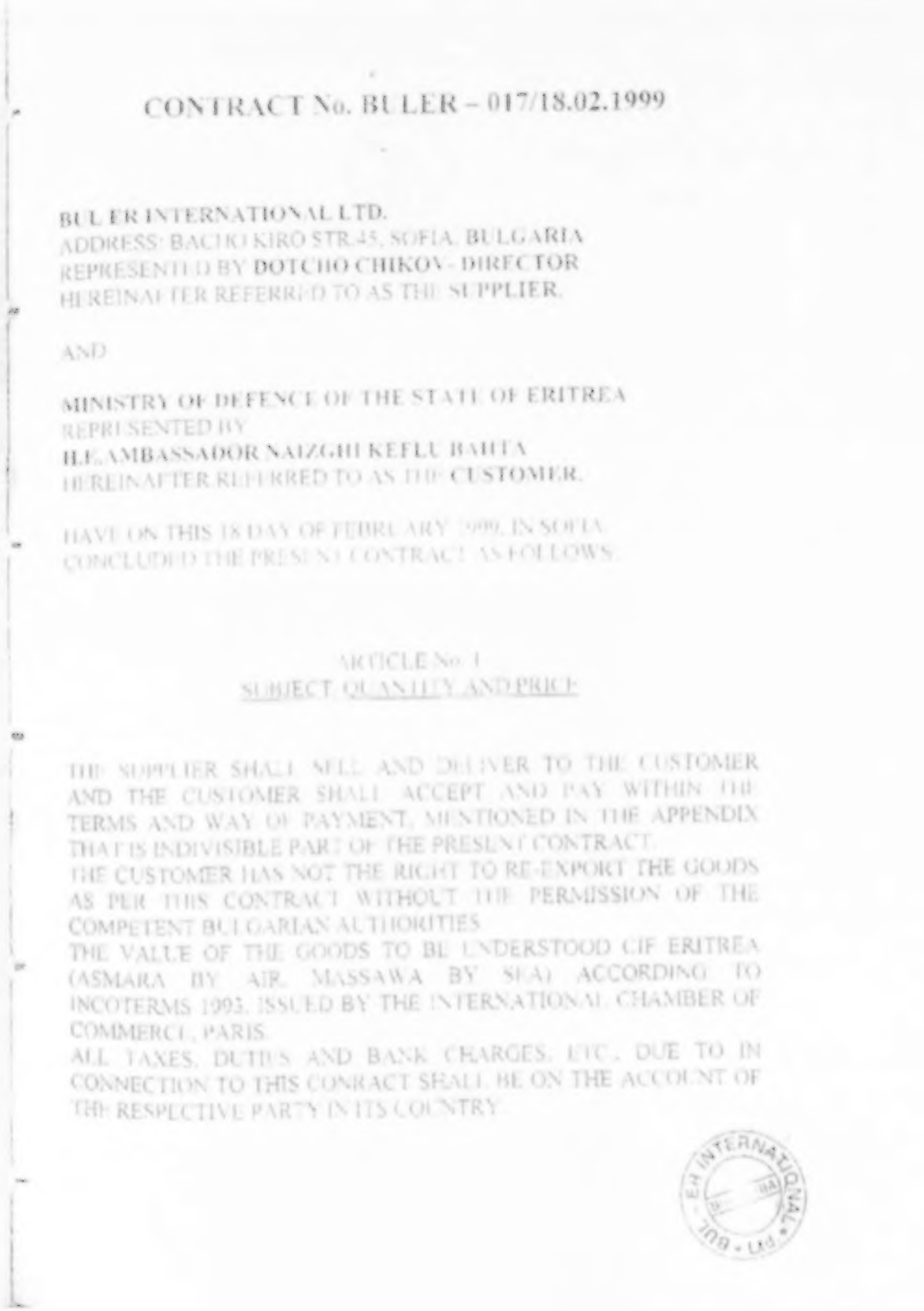
Signed:

Name: Naizghi Keflu Bahta

Status: Ambassador Extraordinary and Plenipotentiary of the State of Eritrea to the Russian Federation

Stamp:

Moscow 129090, Meschanskaya Street No. 17. Tel. (007-095) 971-06-20 Fax (007-095) 971-37-67
129090 МОСКВА ул. МЕЩАНСКАЯ 17 тел. (007-095) 971-06-20 факс (007-095) 971-37-67



CONTRACT No. BULER – 017/18.02.1999

BULER INTERNATIONAL LTD.
ADDRESS: BACHO KIRO STR.45, SOFIA, BULGARIA
REPRESENTED BY **DOTCHO CHIKOV - DIRECTOR**
HEREINAFTER REFERRED TO AS THE **SUPPLIER**.

AND

MINISTRY OF DEFENCE OF THE STATE OF ERITREA
REPRESENTED BY
H.E.AMBASSADOR NAIZGHI KEFLU BAHTA
HEREINAFTER REFERRED TO AS THE **CUSTOMER**.

HAVE ON THIS 18 DAY OF FEBRUARY 1999, IN SOFIA CONCLUDED THE PRESENT CONTRACT AS FOLLOWS:

ARTICLE No. 1

SUBJECT, QUANTITY AND PRICE

THE SUPPLIER SHALL SELL AND DELIVER TO THE CUSTOMER AND THE CUSTOMER SHALL ACCEPT AND PAY WITHIN THE TERMS AND WAY OF PAYMENT, MENTIONED IN THE APPENDIX THAT IS INDIVISIBLE PART OF THE PRESENT CONTRACT.
THE CUSTOMER HAS NOT THE RIGHT TO RE-EXPORT THE GOODS AS PER THIS CONTRACT WITHOUT THE PERMISSION OF THE COMPETENT BULGARIAN AUTHORITIES.
THE VALUE OF THE GOODS TO BE UNDERSTOOD CIF ERITREA (ASMARA BY AIR, MASSAWA BY SEA) ACCORDING TO INCOTERMS 1993, ISSUED BY THE INTERNATIONAL CHAMBER OF COMMERCE, PARIS.
ALL TAXES, DUTIES AND BANK CHARGES, ETC., DUE TO IN CONNECTION TO THIS CONRACT SHALL BE ON THE ACCOUNT OF THE RESPECTIVE PARTY IN ITS COUNTRY.

ARTICLE No.2
TECHNICAL SPECIFICATION, INSPECTION AND ACCEPTANCE

THE SUPPLIER WARRANTS THAT THE GOODS SUBJECT HEREOF SHALL BE DELIVERED IN CONFORMITY WITH THE TECHNICAL DOCUMENTATION VALID IN BULGARIA.

ARTICLE No.3
TERMS OF PAYMENT

THE TOTAL VALUE OF THE GOODS SUPPLIED AS PER THIS CONTRACT SPECIFIED IN THE APPENDIX OF THE CONTRACT ON BASIS FOB IN CONFORMITY TO INCOTERMS 1990.
THE TOTAL VALUE OF THIS CONTRACT IS A NET PRICE AND PAYMENT SHALL BE IN THE FOLLOWING WAY:
FOR THE TOTAL VALUE OF THE GOODS SPECIFIED IN THE APPENDIX THE CUSTOMER SHALL OPEN AN IRREVOCABLE, CONFIRMED, TRANSFERABLE L/C IN FAVOUR OF THE SUPPLIER. THE SUPPLIER SHALL PREPARE PROFORMA INVOICE OF THE CONTRACT ON BASIS OF FOB PORT AIRPORT SOFIA BOURGAS.

THE L/C SHALL BE OPENED BY THE CUSTOMER WITHIN TWO WORKING DAYS AFTER ACQUIRING EXPORT LICENCE PERMIT FOR THIS CONTRACT.

FIRST DELIVERY SHALL BE PERFORMED WITHIN FIVE DAYS AFTER OPENING THE L/C.

THE SUPPLIER SHALL CONFIRM TO THE CUSTOMER AND THE BANK THE FOLLOWING DOCUMENTS:

1) COMMERCIAL INVOICE - DULY SIGNED (THREE FOLD)
2) BILL OF LADING/AWB - 1 COPY
3) PACKING LIST - 2 COPIES
4) CERTIFICATE OF QUALITY - 2 COPIES

THE PAYMENT SHALL BE DONE IN FAVOUR OF
BUL ER INTERNATIONAL LTD
BANK: CB BIOCHIM
1, Ivan Vazov str
BANK CODE: 6609660
ACCOUNT: 111 729 3900

WITHIN THREE DAYS AFTER DELIVERY OF THE ITEMS.

ARTICLE No 4

DELIVERY

THE SUPPLIER UNDERTAKES TO DESPATCH THE GOODS CIF ERITREA (ASMARA BY AIR,MASSAWA BY SEA) ACCORDING TO INCOTERMS 1995 AS STIPULATED IN THIS CONTRACT.
THE DATE OF DELIVERY SHALL BE CONSIDERED AS THE DATE FOR FULFILLMENT OF THE DELIVERY AND ON THIS DATE THE PROPERTY OF THE GOODS AND THE RISK ARE TRANSFERRED ON THE CUSTOMER.

ARTICLE No 5

CLAIMS AND GUARANTEES

THE CUSTOMER HAS THE RIGHT TO CLAIM TO THE SUPPLIER UP TO 30 (THIRTY) DAYS AFTER THE DATE OF SHIPMENT IF QUANTITY DISCREPANCIES ARE FOUND AS FOLLOWS:

THE NUMBER OF BOXES DOES NOT CORRESPOND TO THE NUMBER OF BOXES STATED IN THE CONSIGNMENT NOTE.
THE QUANTITY AND QUALITY OF THE ITEMS IN THE BOXES DOES NOT CORRESPOND TO THE QUANTITY AND QUALITY STATED IN THE PACKING LIST.
THE SUPPLIER IS NOT RESPONSIBLE FOR DEFECTS WHICH OCCUR AS A RESULT OF IMPROPER STORAGE, USAGE OR MAINTENANCE OF THE GOODS, WHEN THE INSTRUCTIONS OF THE PRODUCER ARE NOT OBSERVED.

ARTICLE No.6
PACKING

THE PACKING SHALL BE THE STANDARD PACKING OF THE MANUFACTURER SUITABLE FOR AIR AND SEA TRANSPORT.

THE MARKING IF ANY, SHALL BE AS AGREED BETWEEN THE PARTIES.

ARTICLE No.7
FORCE MAJEURE

EACH CIRCUMSTANCE OF EXTRAORDINARY CHARACTER, THAT MIGHT OCCUR AFTER SIGNING OF THE CONTRACT DUE TO UNFORESEEN OR UNFORESEEABLE REASON AND SHALL MAKE THE FULL OR PARTIAL FULFILLMENT OF THE OBLIGATIONS IMPOSSIBLE SHALL BE CONSIDERED AS FORCE MAJEURE.

AS FORCE MAJEURE SHALL BE CONSIDERED SUDDEN CIRCUMSTANCES AS EARTHQUAKES, FLOOD, WAR WHETHER DECLARED OR NOT, REVOLUTIONS, CIVIL WAR, RIOTS, STRIKES, INSURRECTION, INDUSTRIAL STRIKE AND STRIKE IN TRANSPORT SECTOR, IF THEY ENTAIL IMPOSSIBILITY OF EXECUTION OF THE CONTRACT OR DELAY IN THE EXECUTION OF THE CONTRACT.

THE COUNTRY INVOKING THE FORCE MAJEURE CIRCUMSTANCES SHALL NOTIFY THE OTHER PARTY BY CABLE ABOUT THE OCCURRENCE OF SUCH AN EVENT WITHIN TEN DAYS FROM ITS COMMENCEMENT. UPON TERMINATION OF THE FORCE MAJEURE SHALL APPLY THE SAME PROCEDURE WITHIN THE SAME PERIOD OF TIME.

WHEN IT BECOMES IMPOSSIBLE TO IMPLEMENT THE CONTRACT WITHIN THE STATED SCHEDULE BY REASON OF FORCE MAJEURE, THE PARTY WHO IS UNDER THE INFLUENCE OF FORCE MAJEURE SHALL HAVE THE RIGHT TO POSTPONE HIS CONTRACTUAL OBLIGATIONS FOR A PERIOD EQUAL TO THE PERIOD OF FORCE MAJEURE SO NOT TO EXTEND THE IMPLEMENTATION PERIOD

BULEX INTERNATIONAL LTD.

SPECIFIED IN THE CONTRACT. IN THIS CASE THE DELAY IN THE CONTRACT EXECUTION BE DEEMED TO BE JUSTIFIED.

IF THE FORCE MAJEURE CIRCUMSTANCES LAST MORE THAN ONE MONTH, BOTH PARTIES SHALL MEET AND DISCUSS THE FURTHER PROCEDURE FOR SETTLING THE MATTERS OF THE PRESENT CONTRACT.

ARTICLE No.8
ARBITRATION

ALL DISPUTES ARISING IN CONNECTION WITH THIS CONTRACT SHALL BE SETTLED IN A FRIENDLY MANNER. BUT IF NO AGREEMENT COULD BE REACHED, THE RULES FOR RECONCILIATION AND ARBITRATION OF THE BULGARIAN CHAMBER OF COMMERCE SHALL BE APPLIED.

ARTICLE NO.9
MISCELLANEOUS

1. THIS CONTRACT OR ANY PARTS OF IT SHALL NOT BE ASSIGNABLE BY EITHER PARTY UNLESS SUCH ASSIGNMENT IS MUTUALLY AGREED TO IN WRITING BY BOTH THE SUPPLIER AND THE CUSTOMER.
2. NO MODIFICATION OF THIS CONTRACT SHALL BE BINDING UNLESS IN WRITING AND SIGNED BY BOTH PARTIES.
3. NEITHER PARTY SHALL NOT DIVERT FULLY OR PARTIALLY ITS RIGHTS AND OBLIGATIONS ARISING FROM THE HEREWITH CONTRACT TO ANY THIRD PARTY WITHOUT THE WRITTEN CONSENT OF THE OTHER PARTY.

ARTICLE No. 10
COMING INTO FORCE

THE CONTRACT COMES INTO FORCE WHEN THE SUPPLIER AND THE CUSTOMER OBTAIN THE EXPORT LICENCES AND ALL OTHER RELEVANT DOCUMENTS CONNECTED WITH THE DEAL.

THIS CONTRACT IS MADE UP IN 2 (TWO) COPIES, ONE COPY FOR EACH PARTY.

FOR THE SUPPLIER

BULLER INTERNATIONAL

MINKO MINKOV
GENERAL MANAGER

FOR THE CUSTOMER

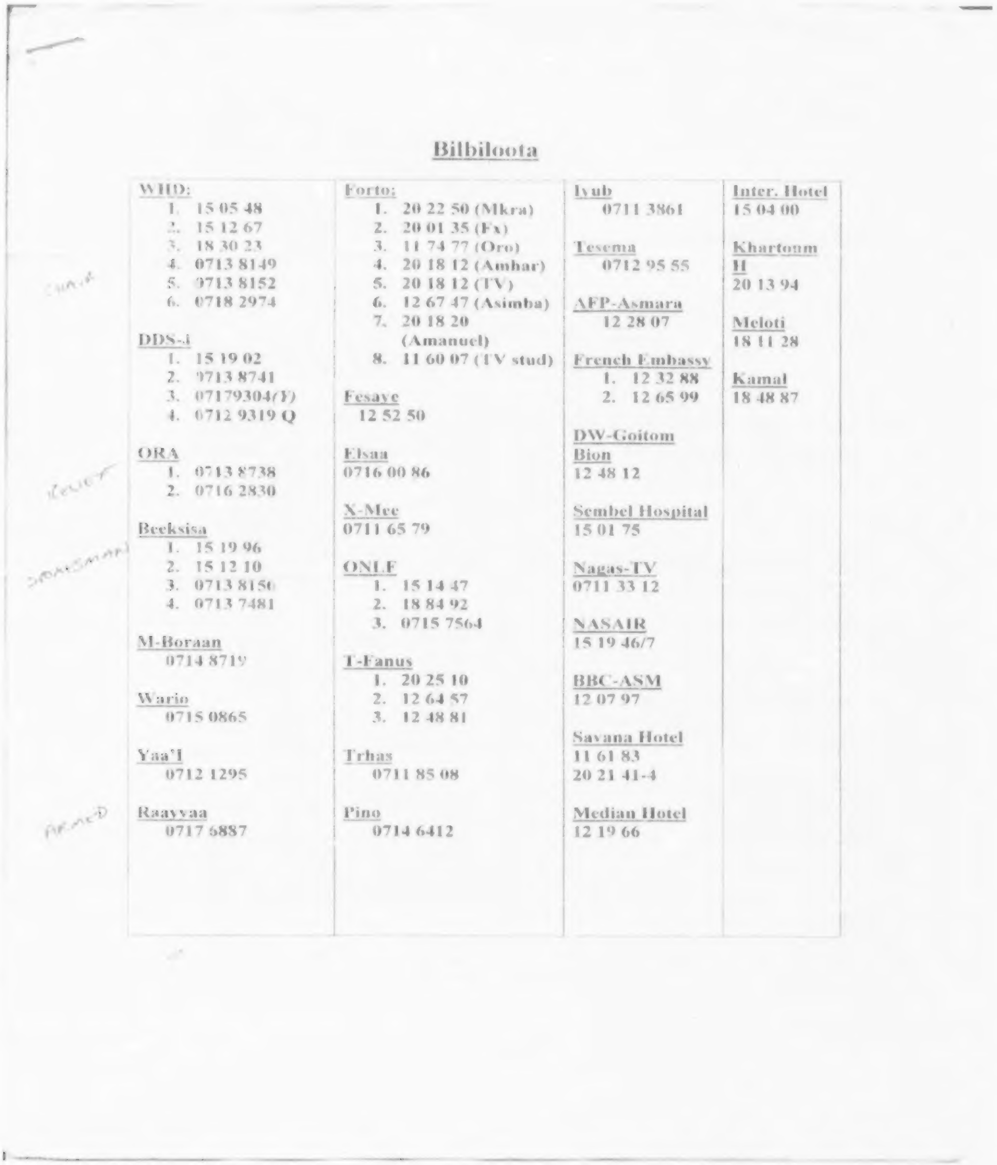
MOD OF THE STATE
OF ERITREA

H.E. NAIZGHI KEFLU BAHTA
AMBASSADOR

Annex 8.4.:
Case study: planned "Oromo Liberation Front" operation to disrupt the African Union Summit (contained in section VII. E of the report)

Annex 8.4.a.: Sample pages of Oromo Liberation Front contact list in Asmara

Note the references on both pages to General Te'ame 'Mekele' (spelt X-Mee in Oromiffa language) and to the ONLF offices.



Bilbiloota

WHD:
1. 15 05 48
2. 15 12 67
3. 18 30 23
4. 0713 8149
5. 9713 8152
6. 0718 2974

CHAIR

DDS-J
1. 15 19 02
2. 9713 8741
3. 07179304(Y)
4. 0712 9319 Q

ORA
1. 0713 8738
2. 0716 2830

RELIEF

Beeksisa
1. 15 19 96
2. 15 12 10
3. 0713 8156
4. 0713 7481

SPOKESMAN

M-Boraan
0714 8719

Wario
0715 0865

Yaa'I
0712 1295

Raayyaa
0717 6887

ARMED

Forto:
1. 20 22 50 (Mkra)
2. 20 01 35 (Fx)
3. 11 74 77 (Oro)
4. 20 18 12 (Ambar)
5. 20 18 12 (TV)
6. 12 67 47 (Asimba)
7. 20 18 20 (Amanuel)
8. 11 60 07 (TV stud)

Fesaye
12 52 50

Elsaa
0716 00 86

X-Mee
0711 65 79

ONLF
1. 15 14 47
2. 18 84 92
3. 0715 7564

T-Fanus
1. 20 25 10
2. 12 64 57
3. 12 48 81

Trhas
0711 85 08

Pino
0714 6412

Iyub
0711 3861

Tesema
0712 95 55

AFP-Asmara
12 28 07

French Embassy
1. 12 32 88
2. 12 65 99

DW-Goitom Bion
12 48 12

Sembel Hospital
15 01 75

Nagas-TV
0711 33 12

NASAIR
15 19 46/7

BBC-ASM
12 07 97

Savana Hotel
11 61 83
20 21 41-4

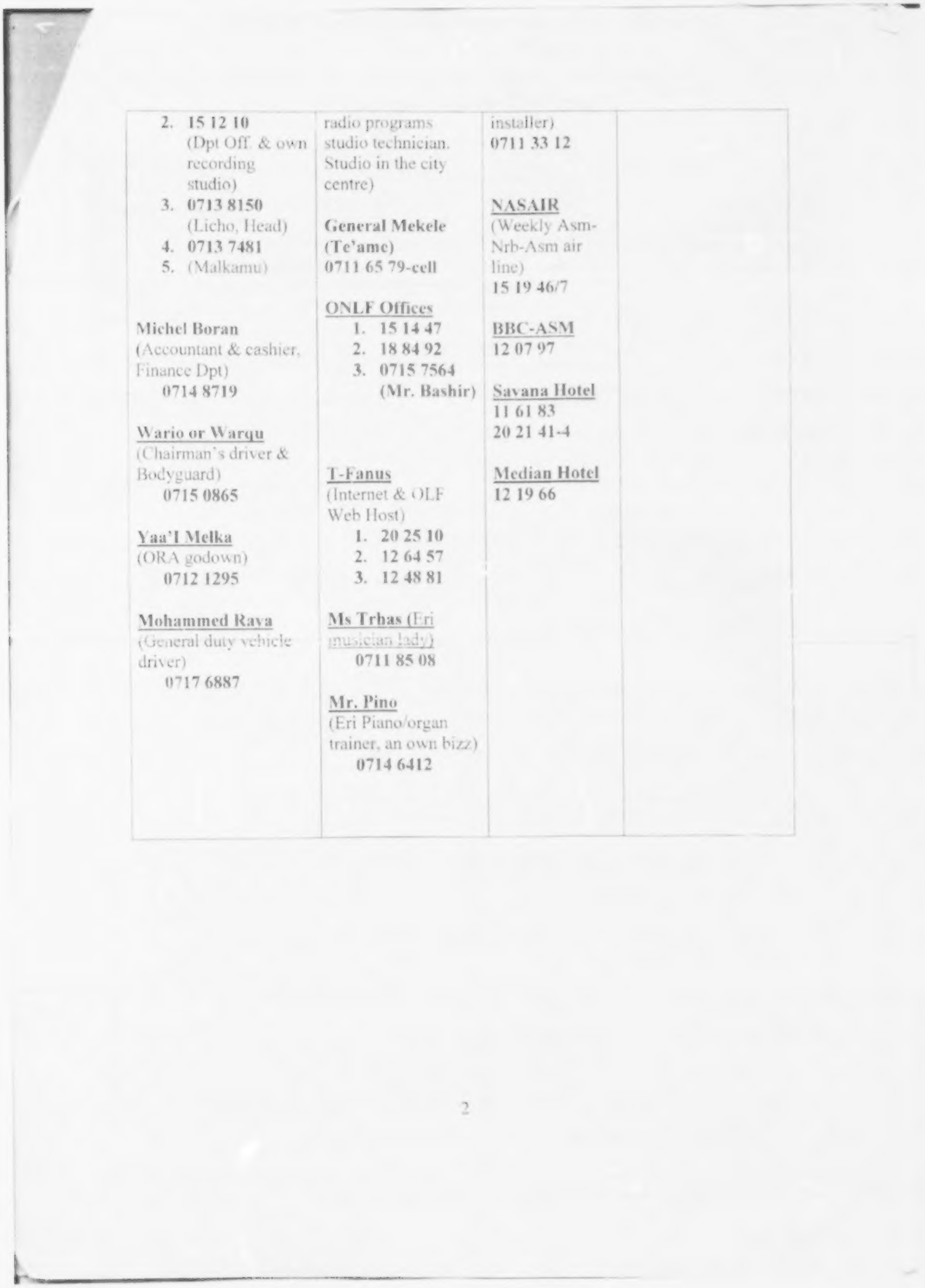
Median Hotel
12 19 66

Inter. Hotel
15 04 00

Khartoum H
20 13 94

Meloti
18 11 28

Kamal
18 48 87



2. **15 12 10** (Dpt Off. & own recording studio)
3. **0713 8150** (Licho, Head)
4. **0713 7481**
5. (Malkamu)

Michel Boran
(Accountant & cashier, Finance Dpt)
0714 8719

Wario or Warqu
(Chairman's driver & Bodyguard)
0715 0865

Yaa'I Melka
(ORA godown)
0712 1295

Mohammed Raya
(General duty vehicle driver)
0717 6887

radio programs studio technician. Studio in the city centre)

General Mekele (Te'ame)
0711 65 79-cell

ONLF Offices
1. **15 14 47**
2. **18 84 92**
3. **0715 7564 (Mr. Bashir)**

T-Fanus
(Internet & OLF Web Host)
1. **20 25 10**
2. **12 64 57**
3. **12 48 81**

Ms Trbas (Eri musician lady)
0711 85 08

Mr. Pino
(Eri Piano/organ trainer, an own bizz)
0714 6412

installer)
0711 33 12

NASAIR
(Weekly Asm-Nrb-Asm air line)
15 19 46/7

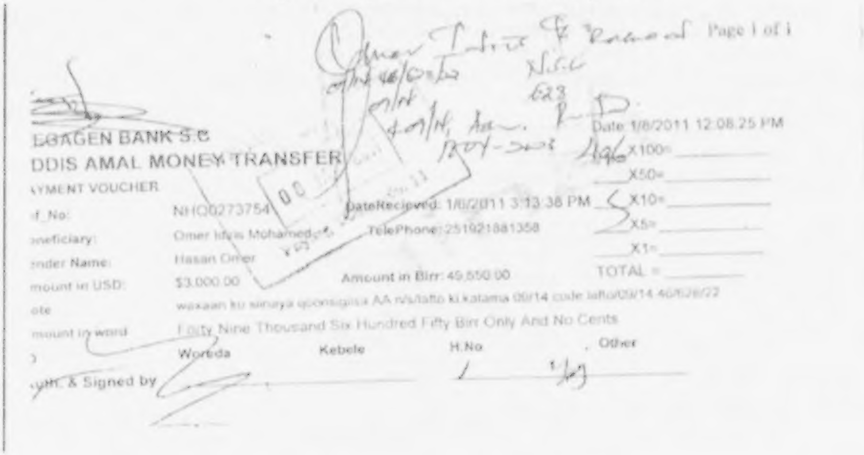
BBC-ASM
12 07 97

Savana Hotel
11 61 83
20 21 41-4

Median Hotel
12 19 66

Annex 8.4.b.: Sample money transfer records

Records of transfer of US$3,000 by Omar Idriss for Payment of Team on 8 January 2011[1]



Page 1 of 1

EGAGEN BANK S.C
DDIS AMAL MONEY TRANSFER
YMENT VOUCHER

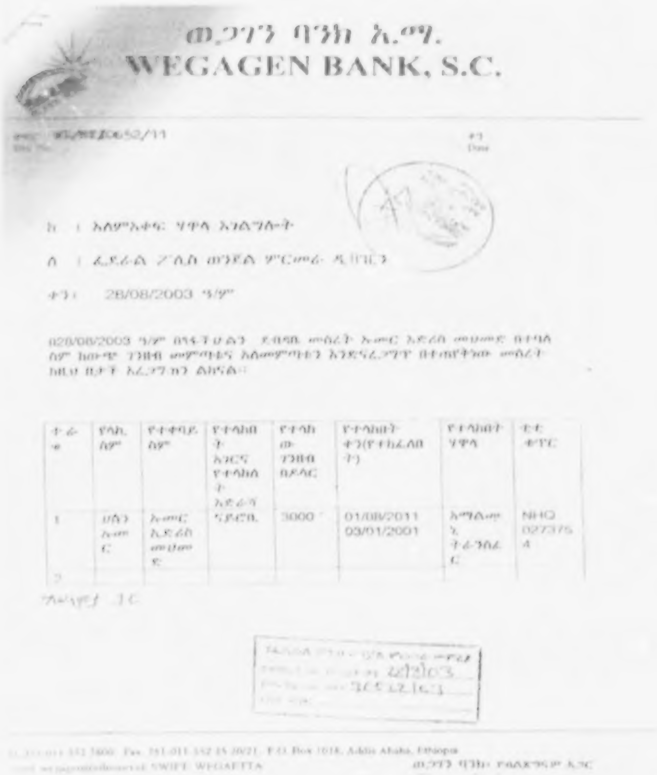
Date 1/8/2011 12:08:25 PM

f_No: NHQ0273754
DateRecieved: 1/8/2011 3:13:38 PM
neficiary: Omer Idris Mohamed
TelePhone: 251921881358
nder Name: Hasan Omer
mount in USD: $3,000.00
Amount in Birr: 49,650.00
ote waxaan ku siinaya qoonsigiisa AA n/s/lafto ki katama 09/14 code lafto/09/14 46/626/22
mount in word Forty Nine Thousand Six Hundred Fifty Birr Only And No Cents

Woreda | Kebele | H.No | Other

ynt. & Signed by

X100= ______
X50= ______
X10= ______
X5= ______
X1= ______
TOTAL = ______



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WEGAGEN BANK, S.C.

28/08/2003

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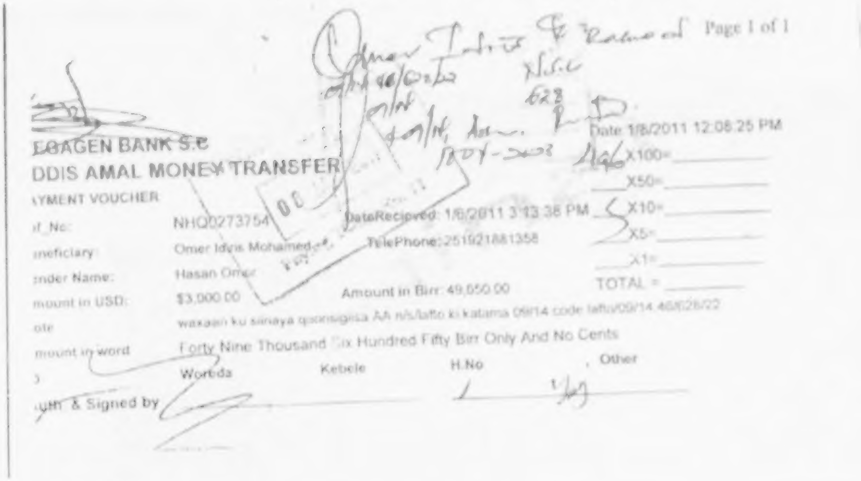
[1] There are two records because Wegagen Bank acts as an agent for Amal Money Transfer.

Records of transfer of US$500 received by Omar Idriss for Enani Melesi on 8 January 2011



Page 1 of 1

628

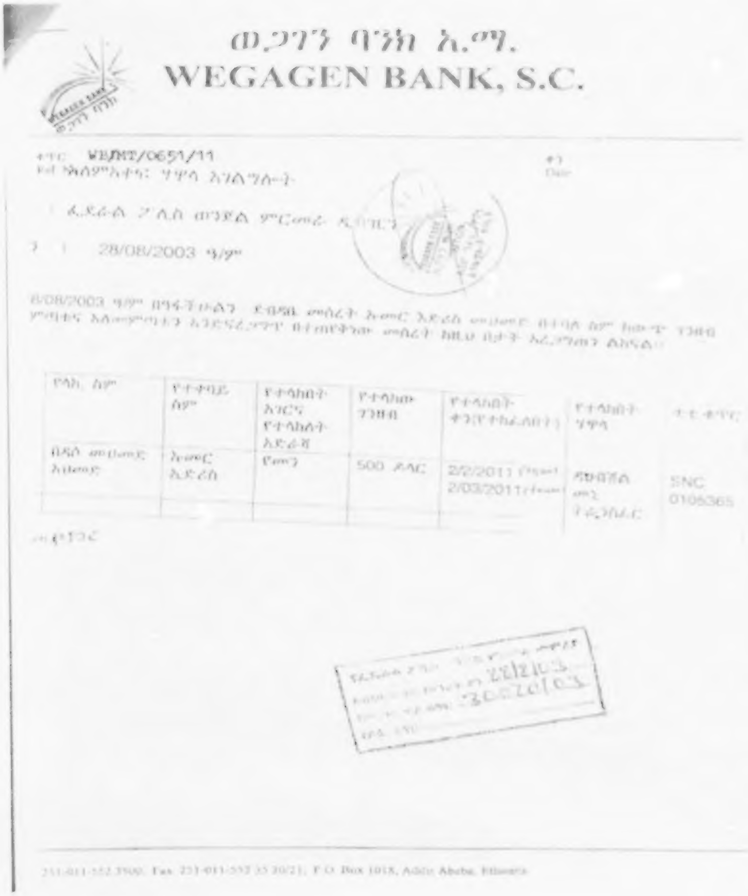
EGAGEN BANK S.C
DDIS AMAL MONEY TRANSFER
YMENT VOUCHER

Date 1/8/2011 12:08:25 PM

f_No:	NHQ0273754	DateRecieved: 1/6/2011 3:13:38 PM	X100=
neficiary:	Omer Idris Mohamed	TelePhone:251921881358	X50=
nder Name:	Hasan Omer		X10=
mount in USD:	$3,000.00	Amount in Birr: 49,650.00	X5=
ote	waxaan ku siinaya qoonsigisa AA n/s/lafto ki katama 09/14 code lafto/09/14 46/628/22		X1=
mount in word	Forty Nine Thousand Six Hundred Fifty Birr Only And No Cents		TOTAL =

Woreda Kebele H.No , Other

uth & Signed by



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WEGAGEN BANK, S.C.

ቁጥር WB/MT/0651/11
ቀን
Date

28/08/2003 ዓ/ም

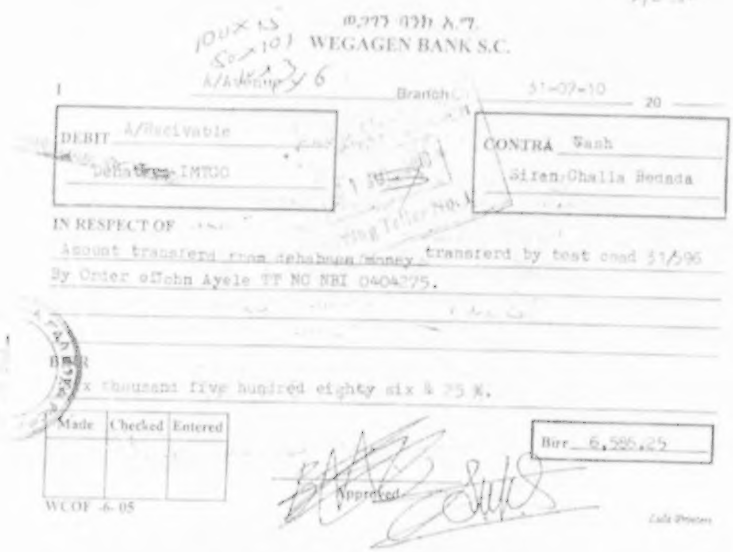
[illegible]

[illegible]	የተቀባይ ስም	[illegible]	የተላከው ገንዘብ	[illegible]	[illegible]	[illegible]
[illegible]	ኦመር እድሪስ	የመን	500 ዶላር	2/2/2011 [illegible] 2/03/2011 [illegible]	[illegible]	SNC 0106365

22/2/03
30/20/03

251-011-552 3500, Fax 251-011-552 35 20/21, P.O. Box 1018, Addis Ababa, Ethiopia

Records of separate transfers to Sifen Chala Bedada on 31 July 2010 and 24 December 2010



7030

100×15
50×101

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WEGAGEN BANK S.C.

A/Abebu 3/6 Branch 31-07-10 20

DEBIT A/Recivable
Dehab[illegible]-IMTOO

CONTRA Cash
Sifen Challa Bedada

IN RESPECT OF
Amount transferd from dehabsue money transferd by test coad 51/596
By Order ofJohn Ayele TT NO NBI 0404275.

BIRR
Six thousand five hundred eighty six & 25 ¢.

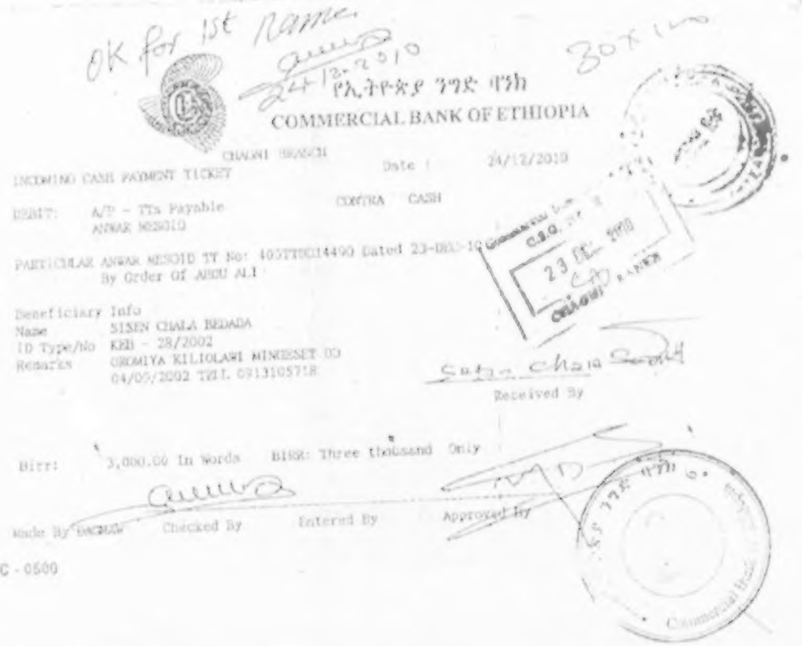
Made	Checked	Entered

Birr 6,586.25

Approved

WCOF -6-05

Lula Printers



OK for 1st name.
24/12/2010

30×100

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COMMERCIAL BANK OF ETHIOPIA

CHALNI BRANCH

INCOMING CASH PAYMENT TICKET Date : 24/12/2010

DEBIT: A/P - TTs Payable CONTRA CASH
ANWAR MESOID

PARTICULAR ANWAR MESOID TT No: 405TTS014490 Dated 23-DEC-10
By Order Of ABDU ALI

Beneficiary Info
Name SISEN CHALA BEDADA
ID Type/No KEB - 28/2002
Remarks OROMIYA KILILOLAWI MINESET 03
04/05/2002 TEL 0913105718

Commercial Bank ... C.S.O. 23 DEC 2010 CHALAWI BRANCH

Sifen Chala
Received By

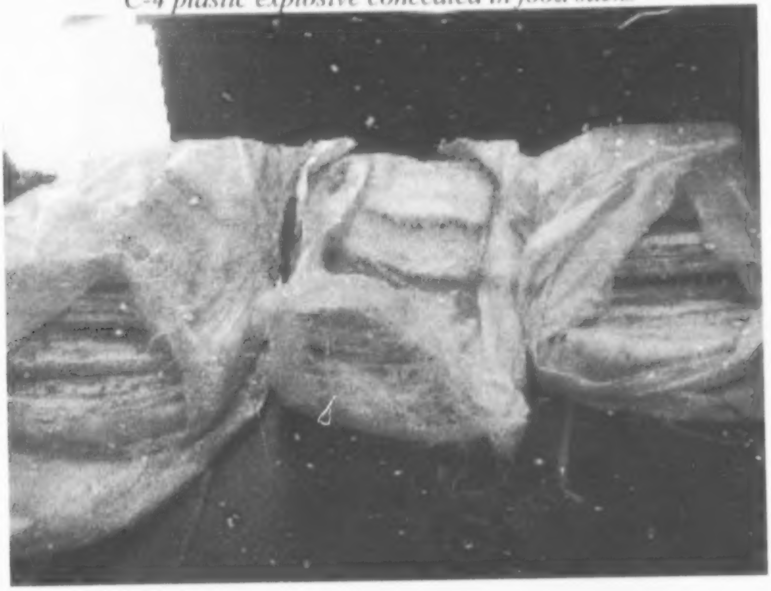
Birr: 3,000.00 In Words BIRR: Three thousand Only

Made By DAGNAW Checked By Entered By Approved By

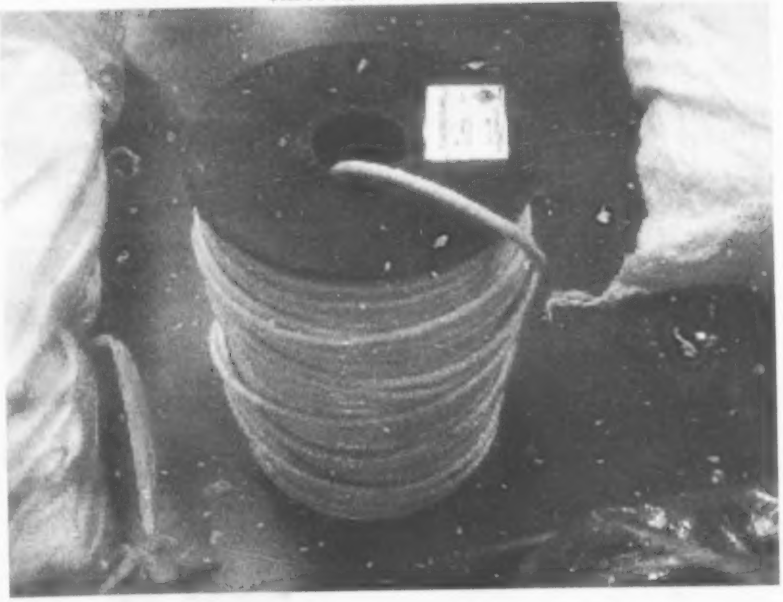
DC - 0500

Annex 8.4.c.: Selected images of explosives and materiel recovered from Oromo Liberation Front team arrested in Addis Ababa

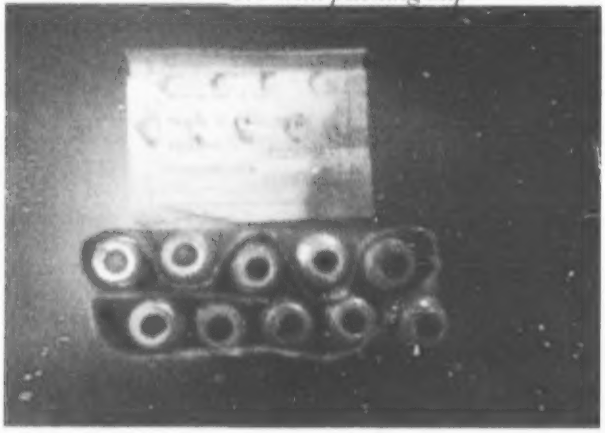
C-4 plastic explosive concealed in food sacks



RDX detonator cord



Detonators with packing slip

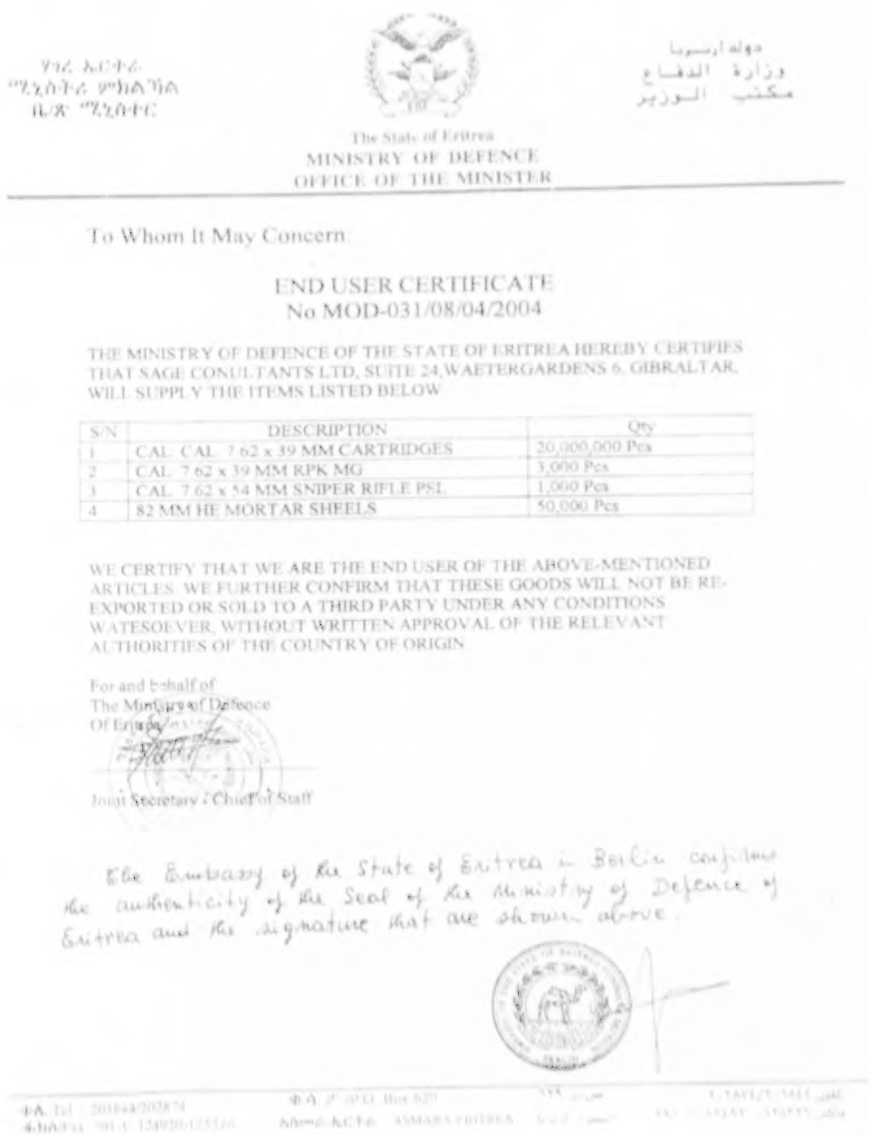


Medical supplies and oral rehydration packets manufactured in Eritrea

Sniper scope sold to Eritrea by Romania in 2004

Annex 8.4.d.:
Eritrean end-user certificate for arms and ammunition purchased from Romania

Supporting documentation obtained by the Monitoring Group and archived with the United Nations demonstrates conclusively that one of the PSL Sniper Rifles referred to in Item 3 of this document was in the possession of Imam Sa'id Ahmed at the time of his arrest.



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ሚኒስትሪ ምክልኻል
ቤ/ጽ ሚኒስተር

دولة ارتريا
وزارة الدفاع
مكتب الوزير

The State of Eritrea
MINISTRY OF DEFENCE
OFFICE OF THE MINISTER

To Whom It May Concern:

END USER CERTIFICATE
No MOD-031/08/04/2004

THE MINISTRY OF DEFENCE OF THE STATE OF ERITREA HEREBY CERTIFIES THAT SAGE CONULTANTS LTD, SUITE 24,WAETERGARDENS 6, GIBRALTAR, WILL SUPPLY THE ITEMS LISTED BELOW

S/N	DESCRIPTION	Qty
1	CAL. CAL. 7.62 x 39 MM CARTRIDGES	20,000,000 Pcs
2	CAL. 7.62 x 39 MM RPK MG	3,000 Pcs
3	CAL. 7.62 x 54 MM SNIPER RIFLE PSL	1,000 Pcs
4	82 MM HE MORTAR SHEELS	50,000 Pcs

WE CERTIFY THAT WE ARE THE END USER OF THE ABOVE-MENTIONED ARTICLES. WE FURTHER CONFIRM THAT THESE GOODS WILL NOT BE RE-EXPORTED OR SOLD TO A THIRD PARTY UNDER ANY CONDITIONS WATESOEVER, WITHOUT WRITTEN APPROVAL OF THE RELEVANT AUTHORITIES OF THE COUNTRY OF ORIGIN

For and behalf of
The Ministry of Defence
Of Eritrea

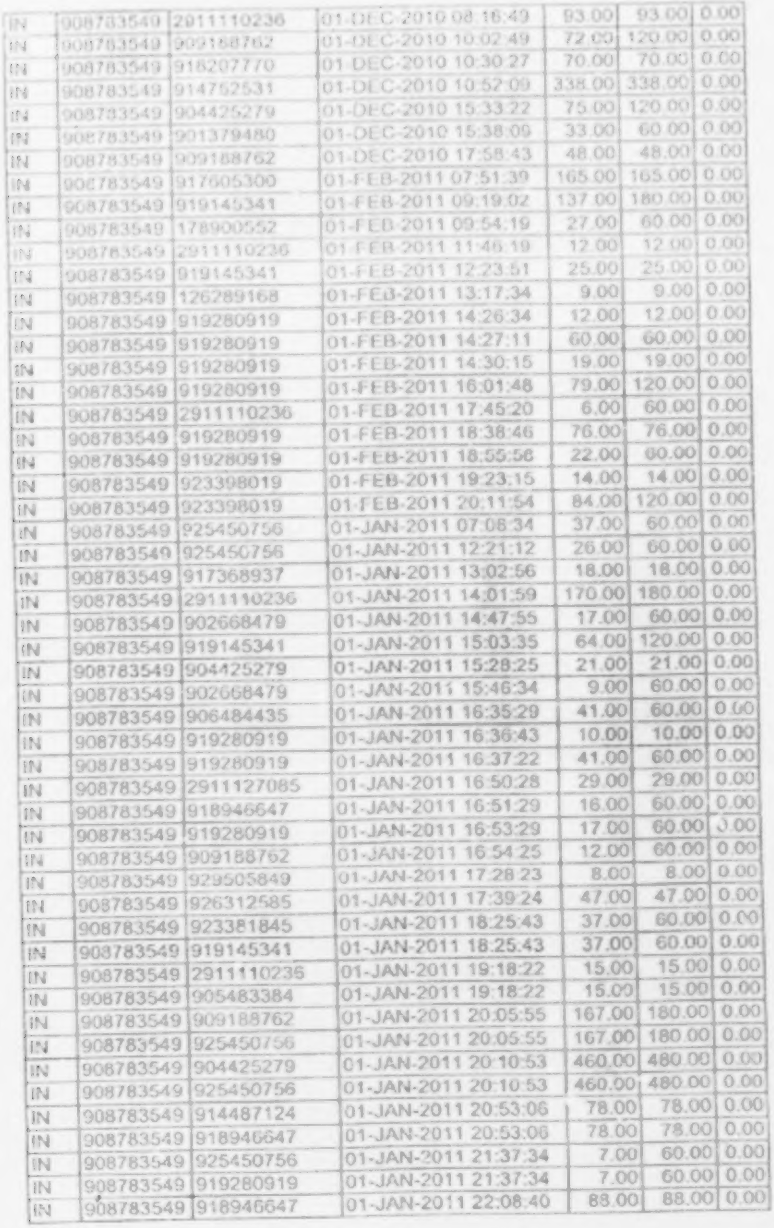
Joint Secretary / Chief of Staff

The Embassy of the State of Eritrea in Berlin confirms the authenticity of the Seal of the Ministry of Defence of Eritrea and the signature that are shown above.

Tel : 201844/202874 P.O. Box 629 ASMARA ERITREA

Annex 8.4.e.: Sample telephone records for Omar Idriss Mohamed

Sample phone records for SIM cards found in the possession of Omar Idriss Mohamed. A more comprehensive archive, including the records of other team members, is archived with the United Nations.



IN	908783549	2911110236	01-DEC-2010 08:16:49	93.00	93.00	0.00
IN	908783549	909188762	01-DEC-2010 10:02:49	72.00	120.00	0.00
IN	908783549	918207770	01-DEC-2010 10:30:27	70.00	70.00	0.00
IN	908783549	914752531	01-DEC-2010 10:52:09	338.00	338.00	0.00
IN	908783549	904425279	01-DEC-2010 15:33:22	75.00	120.00	0.00
IN	908783549	901379480	01-DEC-2010 15:38:09	33.00	60.00	0.00
IN	908783549	909188762	01-DEC-2010 17:58:43	48.00	48.00	0.00
IN	908783549	917605300	01-FEB-2011 07:51:39	165.00	165.00	0.00
IN	908783549	919145341	01-FEB-2011 09:19:02	137.00	180.00	0.00
IN	908783549	178900552	01-FEB-2011 09:54:19	27.00	60.00	0.00
IN	908783549	2911110236	01-FEB-2011 11:46:19	12.00	12.00	0.00
IN	908783549	919145341	01-FEB-2011 12:23:51	25.00	25.00	0.00
IN	908783549	126289168	01-FEB-2011 13:17:34	9.00	9.00	0.00
IN	908783549	919280919	01-FEB-2011 14:26:34	12.00	12.00	0.00
IN	908783549	919280919	01-FEB-2011 14:27:11	60.00	60.00	0.00
IN	908783549	919280919	01-FEB-2011 14:30:15	19.00	19.00	0.00
IN	908783549	919280919	01-FEB-2011 16:01:48	79.00	120.00	0.00
IN	908783549	2911110236	01-FEB-2011 17:45:20	6.00	60.00	0.00
IN	908783549	919280919	01-FEB-2011 18:38:46	76.00	76.00	0.00
IN	908783549	919280919	01-FEB-2011 18:55:56	22.00	60.00	0.00
IN	908783549	923398019	01-FEB-2011 19:23:15	14.00	14.00	0.00
IN	908783549	923398019	01-FEB-2011 20:11:54	84.00	120.00	0.00
IN	908783549	925450756	01-JAN-2011 07:06:34	37.00	60.00	0.00
IN	908783549	925450756	01-JAN-2011 12:21:12	26.00	60.00	0.00
IN	908783549	917368937	01-JAN-2011 13:02:56	18.00	18.00	0.00
IN	908783549	2911110236	01-JAN-2011 14:01:59	170.00	180.00	0.00
IN	908783549	902668479	01-JAN-2011 14:47:55	17.00	60.00	0.00
IN	908783549	919145341	01-JAN-2011 15:03:35	64.00	120.00	0.00
IN	908783549	904425279	01-JAN-2011 15:28:25	21.00	21.00	0.00
IN	908783549	902668479	01-JAN-2011 15:46:34	9.00	60.00	0.00
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IN	908783549	918946647	01-JAN-2011 16:51:29	16.00	60.00	0.00
IN	908783549	919280919	01-JAN-2011 16:53:29	17.00	60.00	0.00
IN	908783549	909188762	01-JAN-2011 16:54:25	12.00	60.00	0.00
IN	908783549	929505849	01-JAN-2011 17:28:23	8.00	8.00	0.00
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IN	908783549	923381845	01-JAN-2011 18:25:43	37.00	60.00	0.00
IN	908783549	919145341	01-JAN-2011 18:25:43	37.00	60.00	0.00
IN	908783549	2911110236	01-JAN-2011 19:18:22	15.00	15.00	0.00
IN	908783549	905483384	01-JAN-2011 19:18:22	15.00	15.00	0.00
IN	908783549	909188762	01-JAN-2011 20:05:55	167.00	180.00	0.00
IN	908783549	925450756	01-JAN-2011 20:05:55	167.00	180.00	0.00
IN	908783549	904425279	01-JAN-2011 20:10:53	460.00	480.00	0.00
IN	908783549	925450756	01-JAN-2011 20:10:53	460.00	480.00	0.00
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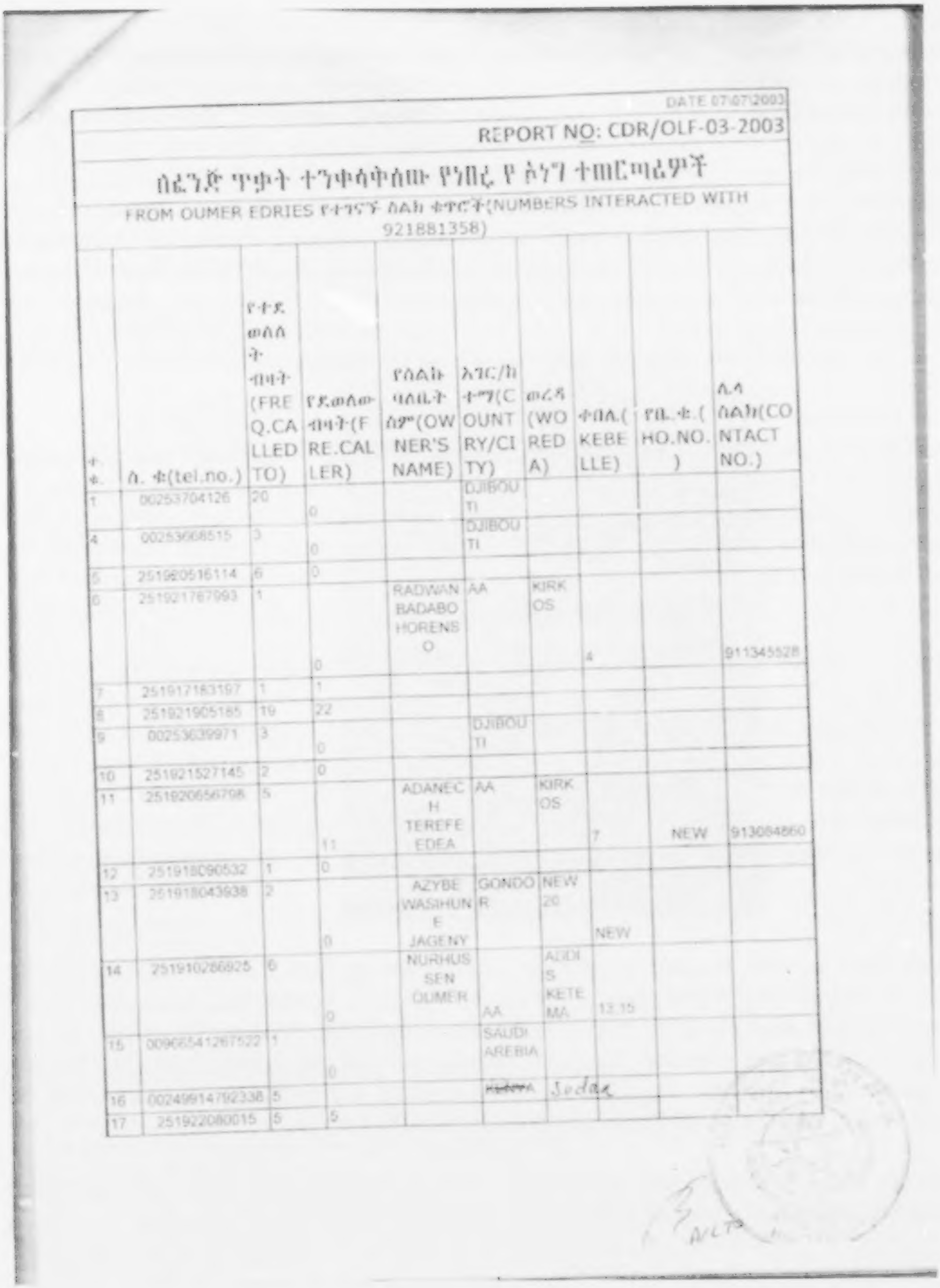
IN	908783549	919280919	01-JAN-2011 21:37:34	7.00	60.00	0.00
IN	908783549	918946647	01-JAN-2011 22:08:40	88.00	88.00	0.00



DATE 07\07\2003

REPORT NO: CDR/OLF-03-2003

በፈንጅ ጥቃት ተንቀሳቅሰው የነበረ የ ኦነግ ተጠርጣሪዎች

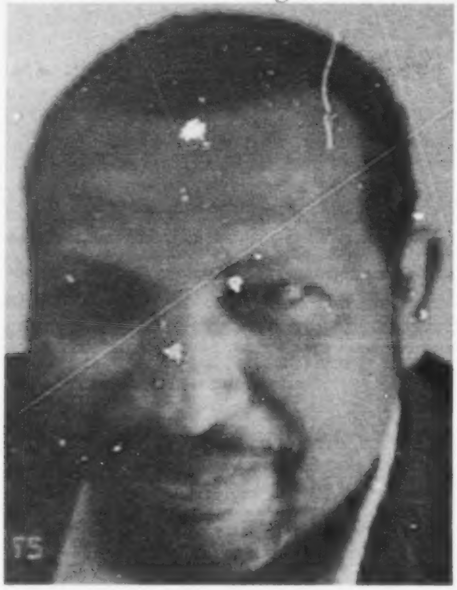
FROM OUMER EDRIES የተገናኙ ስልክ ቁጥሮች(NUMBERS INTERACTED WITH 921881358)

ተ.ቁ.	ስ. ቁ(tel.no.)	የተደወለለት ብዛት (FREQ.CALLED TO)	የደወለው ብዛት(FRE.CALLER)	የስልኩ ባለቤት ስም(OWNER'S NAME)	አገር/ከተማ(COUNTRY/CITY)	ወረዳ (WOREDA)	ቀበሌ(KEBELLE)	የቤ.ቁ.(HO.NO.)	ሌላ ስልክ(CONTACT NO.)
1	00253704126	20	0		DJIBOUTI				
4	00253668515	3	0		DJIBOUTI				
5	251920516114	6	0						
6	251921767993	1	0	RADWAN BADABO HORENSO	AA	KIRKOS	4		911345528
7	251917183197	1	1						
8	251921905185	19	22						
9	00253639971	3	0		DJIBOUTI				
10	251921527145	2	0						
11	251920656798	5	11	ADANECH TEREFE EDEA	AA	KIRKOS	7	NEW	913084860
12	251918090532	1	0						
13	251918043938	2	0	AZYBE WASIHUNE JAGENY	GONDOR	NEW 20	NEW		
14	251910286925	6	0	NURHUSSEN OUMER	AA	ADDIS KETEMA	13.15		
15	00966541267522	1	0		SAUDI AREBIA				
16	00249914792338	5			~~KENYA~~ Sudan				
17	251922080015	5	5						

Annex 8.5.:
Case study: Eritrean intelligence links with Somali and other armed opposition groups

1. One of the Eritrean officers most closely engaged in liaison and support to Somali armed groups since at least 2003 is military intelligence Colonel Tewelde Habte Negash, also known by the aliases Amanuel Kidane, Wedi Kidane, Colonel "Musa", and Colonel "Hagos", under the supervision of General Te'ame 'Meqele'. Colonel Negash has been identified and his activities described to the Monitoring Group by numerous ex-combatants of Somali armed groups (including Al-Shabaab and Hisb'ul Islam / Somali Islamic Front, and the Islamic Courts Union), the ONLF, the OLF, former Eritrean Government officials, and a current Eritrean intelligence asset.[1]

Colonel Tewelde Habte Negash a.k.a. 'Musa'



2. According to these sources, Negash has operated intermittently from the Eritrean Embassy in Kenya, where he developed long standing relationships with various Somali (and Ethiopian) armed opposition group members who reside or transit in Kenya. Among the services they claim he has provided are issuance of Eritrean passports, financial support, training and logistical support. Negash has also been identified by multiple eyewitnesses as exercising a supervisory function over the training of certain Somali and Ethiopian armed opposition groups in Eritrea.

3. The Monitoring Group's first eyewitness account of Negash dates from 2002, when an OLF source claims that his group was provided with timing devices for explosives by Negash.[2] In 2003, a

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[1] Colonel Negash's profile has been corroborated by former ONLF commanders interviewed on 10 November 2010, former OLF commanders interviewed on 12 November 2010, a former Hisb'ul Islam military officer interviewed on 7 April 2011 and numerous Eritrean sources interviewed between September 2010 and April 2011.

[2] Interview, 12 November 2010

senior ONLF official told the Monitoring Group he encountered Negash at the Eritrean embassy in Nairobi, where he was sitting at a desk covered with Eritrean passports and passport pictures of Somali looking individuals. The eyewitness subsequently [illegible] an Eritrean passport from Negash.[3] ONLF sources also claim that Negash coordinated an [illegible] weapons and ONLF fighters from Eritrea to Dhuusomareeb, Somalia, by telephone from Nairobi in 2004..[4]

4. Following the ICU take-over in Mogadishu in 2006, Negash spent considerable time in Mogadishu, coordinating support to a variety of armed groups, including the ICU and its militant wing, Al-Shabaab, as well as the ONLF and OLF. A Somali translator present at several meetings told the Monitoring Group that Negash and his associates were hosted in a residence belonging to ICU financier Abukar Omar Adaani, and described a series of meeting between Negash and ICU and Al-Shabaab military officials, including Yusuf Indha'adde and Aden Hashi Ayrow.[5]

5. An ONLF eyewitness says Negash provided explosives training in Mogadishu in 2006.[6] An OLF eyewitness also claims that Negash trained members of his group in the use of TNT and C4 explosives in Mogadishu overt he same period.[7] A former Somali Al-Shabaab fighter trained in Eritrea between 2007 and 2009, told the Monitoring Group that his group's members were given training in suicide bombing and vehicle-borne improvised explosives devices (VBIEDs) at Kiloma training camp, and that his trainers frequently referred to Negash — using one of his aliases — during the course of this training.[8]

6. According to a senior ICU military official, in early 2007, following Ethiopia's military intervention in Somalia, Negash reportedly fled with 7 other Eritreans to Kenya, where they initially settled at the Hagadheera refugee camp, until some of the group were arrested. He appears then to have resumed activities from Kenya, from which he was deported in 2008, at least in part because of his alleged attempts to involve himself in ransom negotiations for Somali pirates who had seized the MV Faina, a vessel carrying Ukrainian military equipment whose cargo was bound for South Sudan via Kenya. Following his deportation in 2008, Negash travelled to Uganda and began conducting his operations from there.[9]

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[3] Interview10 November 10

[4] Interview with former ONLF logistics officer and associates, November 2010.

[5] Interviews with ONLF translator and other senior officials, November 2010 and corroborated by Yusuf Indha'adde in Mogadishu in April 2011. These testimonies did not support allegations made in the Monitoring Group's November 2006 report that 2,000 Eritrean combat troops were deployed to Somalia (S/2006/913, paragraph 37).

[6] ONLF official, November 2010.

[7] Interview, 11 November 10

[8] The Somali fighter said he was recruited in Djibouti by Somali Islamists, sent to Eritrea and then trained with a group of Al-Shabaab at Kiloma base in a separate group from OLF and ONLF trainees also present at this camp. The fighter was sent back to Djibouti in 2009, and was subsequently instructed by his Somali leaders to travel to Ethiopia.

[9] Kenyan law enforcement agents confirmed in March 2011 that Colonel Negash was deported in 2008 and 2009. While the Monitoring Group has been unable to independently confirm Negash's link to the Faina, it has seen documents related to his deportation. A former officer in the Embassy of the State of Eritrea in Nairobi interviewed 28 September 2010 and three sources with inside knowledge of Embassy of the State of Eritrea in Nairobi interviewed in October 2010 all confirmed Negash had subsequently infiltrated into Uganda.

7. In 2009, Negash returned to Kenya and was again deported, this time for his association with Somali armed opposition group cells in Kenya and Somalia.[10] According to Kenyan law enforcement officials, Negash, together with Eritrean diplomat Mohamed Mantai (appointed Ambassador to the Sudan in April 2011) and an embassy employee, travelled overland from Uganda, through Kenya, and on to Somalia in September 2009 where he met with members of al-Shabaab and other armed groups. On 21 September 2009, he departed Mogadishu crossing into Kenya at the Dobley-Liboi border crossing, before travelling through Kenya to the Uganda border post at Busia, where he was arrested by Kenyan authorities on 26 September 2009 and subsequently deported again.[11] An Eritrean official has acknowledged the episode, but told the Monitoring Group that Negash and his colleagues were on a mission with diplomatic and "humanitarian" objectives, on behalf of a third government and with the full knowledge of the TFG.[12]

8. A close associate of Negash, Eritrean national and alleged intelligence asset Hanibal Kahsay Menghistie, was also arrested and deported from Kenya to Eritrea in June 2009. According to an eyewitness, Kenyan authorities seized several foreign and Eritrean passports from Hanibal's residence at the time of his arrest.[13]. According to law enforcement agents and Eritrean and Kenyan sources close to Hanibal, he was involved as part of a lucrative human trafficking network run by the Embassy of the State of Eritrea in Kenya and was an associate of Negash.[14]

9. Between June 2009 and early 2011, Hanibal travelled back and forth between Eritrea and Uganda, passing through South Sudan at least once.[15] Acting on specific information provided by the Monitoring Group, the Ugandan authorities arrested him in Kampala in early 2011. At the time of his arrest he was in possession of several SIM cards, one of which held a text message relating to the preparation of a passport and the transfer of US$8,000, and contained numbers of the Embassy of the State of Eritrea in the Sudan in its phonebook. In an interview with the Monitoring Group, Hanibal confirmed his association with Negash, stating that they frequented casinos regularly together in Nairobi where Negash spent large amounts of money. He denied working with Negash at the Embassy of the State of Eritrea to Kenya but did however confirm reports that Negash was deported from Kenya for dealings with Al-Shabaab, according to information he received in 2008. Hanibal also denied that he was captured with foreign passports, but admitted that two of his friends attempted to bribe the Kenyan arresting officers with over 150,000 Kenyan shillings.[16]

10. An Eritrean official told the Monitoring Group that his Government is aware of Hanibal's smuggling activities, but denied that he works for the Eritrean government and said Hanibal would be

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[10] Interview with former officer in the Embassy of the State of Eritrea in Nairobi in September 2011, four sources with inside knowledge of Embassy of the State of Eritrea in Nairobi interviewed in October 2010, and interview with former embassy colleague of Mr Negash, in February 2011.

[11] Kenyan intelligence source, March 2011.

[12] Interview with senior Eritrean official, April 2011.

[13] Interview, Nairobi, October 2010.

[14] Documentary details received by law enforcement agency in February 2011, interviews with Kenyan sources in September 2010 and October 2010, interview with Eritrean source known to Hanibal, February 2011.

[15] Information taken from copies of Hanibal's passport and his statement given to Ugandan authorities.

[16] Hanibal insisted that his arrest had been due to bogus traffic violation planted on him by the ex-husband of his Kenyan mistress.

arrested if he returned to Eritrea.[17] The Monitoring Group does not consider this credible as Hanibal himself admitted he spent much of 2010 in Eritrea.

11. According to sources close to the Embassy of the State of Eritrea in Kenya, Negash has continued to operate between Eritrea, Uganda and South Sudan during the course of 2010 to maintain his involvement with Somali opposition groups. One source who receives regular financial contributions from the Embassy of the State of Eritrea in Kenya informed the Group that Negash was back in Kenya in 2010 and travelled to Hargeisa, Somaliland, in late September or early October 2010.[18] A former associate of Negash also confirmed that he was sighted several weeks later at the Dobley-Liboi border crossing between Kenya and Somalia, which is under Al-Shabaab control.[19]

12. In Eritrea, Negash was also involved in training programmes at military camps in Eritrea where ONLF and Somali armed fighters were based up to 2010.[20] Dozens of captured ONLF fighters involved in the failed September 2010 "*Alanside*" operation described in Annex 8.3 above confirmed that Negash was involved in their training during the time they were moved between Kiloma, Ras Darma and Een camps.

13. The Monitoring Group believes that Eritrean presence in Uganda and South Sudan is indicative of a wider Eritrean intelligence effort dedicated to supporting armed groups in the region including Al-Shabaab. In addition to Negash, the Monitoring Group has identified a cell of at least four other Eritrean intelligence officers deployed to Uganda, via Sudan, reportedly headed by a Colonel Yonas who reports to General Teklai Kifle 'Manjus' and his associate in external operations, Colonel Fitsum Yitshak "Lenin".[21]

14. Both Negash and Yonas are hosted regularly by Eritrea's Consul General in Juba, Alem Negash who is a former intelligence official within the Brigade 72 (a military intelligence unit of the EPLF), and was based at the Embassy of the State of Eritrea in Khartoum before his deployment to Juba. Prior to that, he was based at the Embassy of the State of Eritrea in Nairobi, where he managed Eritrean relations with Somalia.[22]

15. In late 2010, an Eritrean military source informed the Group about the visit by an Eritrean intelligence officer to the town of Mbale in eastern Uganda, where he met Somali armed opposition group members and reported directly back to Colonel Fitsum.[23] Although no further details of the meeting are available, the Group notes that Mbale hosts a significant Somali population, and was the location where some materials used in the July 2010 bombings in Kampala were warehoused.

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[17] Interview with senior Eritrean official, April 2011.

[18] Interview, October 2010.

[19] Interview, November 2010

[20] Interviews with more than 90 ONLF and Somali prisoners, as well as former ONLF officials, conducted between 9-11 November 2010.

[21] Fitsum is also believed to serve as Te'ame's deputy in the external operations directorate.

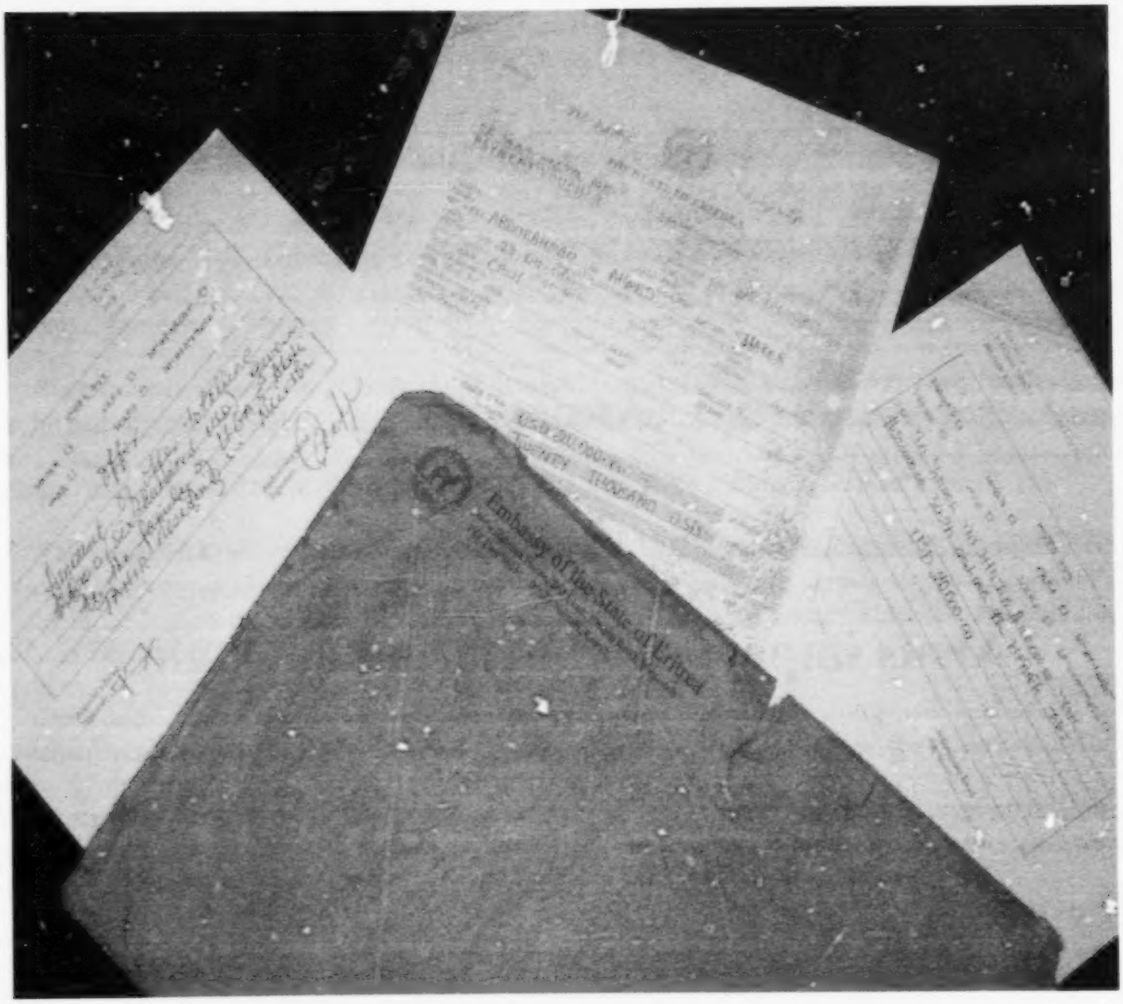
[22] Former Eritrean official who served in Sudan, September 2010.

[23] Information received by phone and email on 12 December 2010, from an active Eritrean Defence Force officer.

16. On the basis of Colonel Tewelde Habte Negash's past record of involvement with armed opposition groups throughout the region, especially in Somalia, and his senior role in the Eritrean external operations directorate headed by Te'ame, the Monitoring Group concludes that Negash's continued activity in Uganda, South Sudan, Kenya and Somalia represents a threat to peace and security in the region, and recommends vigilance on the part of regional governments.

Annex 8.5.a.:
Sample receipts of payments from the embassy of Eritrea

Sample of documents showing payments from the Embassy of the State of Eritrea to Ugaas Abdi Dahir, Mohamed Wali Sheikh Ahmed Nuur and Abdirahman Ahmed Shaakir (aka Abdurahman Ahmed Shaker).



USD 20,000.00

TWENTY THOUSAND USD

USD 20,000.00

Embassy of the State of Eritrea

Annex 9

Arms imports and external assistance

Annex 9.1.: Summary of findings to date on military cooperation between Eritrea and the Islamic Republic of Iran

1. The Monitoring Group has received numerous reports, including several eyewitness testimonies, relating to alleged military and intelligence cooperation between Iranian and Eritrean officials prior to Security Council resolution 1907 (2009). While the Group has continued to observe and document linkages between Iran and Eritrea, it has obtained no evidence during the current mandate that the relationship currently involves violations of resolution 1907.

2. Diplomatic relations between Eritrea and Iran were initiated in 2002 when Iranian diplomats visited the Embassy of the State of Eritrea in Khartoum and inquired about forging diplomatic links.

3. Former Eritrean diplomats in Khartoum say that diplomatic relations between Eritrea and Iran strengthened after 2007, and that President Afwerki had offered President Mahmoud Ahmedinejad the possibility of using Eritrea as a strategic backwater and transit point, in exchange for financial assistance from Iran.[1]

4. The Group has interviewed an eyewitness who lived in Eritrea between 2005 and 2009 who said that he had met and talked to a group of approximately 30 Iranians in the port of Assab in February 2009. The eyewitness stated the Iranians had told him they were on a "government to government mission" and witnessed them offloading military equipment from a vessel docked in Assab port.[2]

5. The central Iranian official responsible for coordinating Eritrean-Iranian relations since 2007 is reportedly known in Sudan as Amr Al-Musawi, and once officially served as the cultural affairs attaché in the Iranian embassy in Khartoum.[3] He is now believed by foreign diplomats in Khartoum to reside in Tehran, but still travels frequently to Sudan and Eritrea.[4]

6. Diplomatic sources in Asmara — from diverse Arab, African and European countries — have confirmed visits by Iranian diplomats and security officials to Asmara during the course of 2010.[5] A Sudan government official said he had personally met an Iranian delegation arriving in Eritrea from Yemen in early 2010 and had also been asked to welcome another group at Asmara international airport, which flew in from Sudan later on in 2010.[6] The Iranian official known as Amr Al-Musawi also visited Asmara during the course of 2010 and led a delegation to Massawa that year.[7]

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[1] Two separate interview with two separate former Khartoum based diplomats, September 2010

[2] Interview in Mogadishu, 8 April 2012

[3] Interview with former diplomat based in Embassy of the State of Eritrea in Khartoum, 30/8/10, and separate Eritrean source, November 2010.

[4] http://www.sudanvisiondaily.com/modules.php?name=News&file=article&sid=41108 is the only open source reference to Amr Al-Musawi, and refers to him as a cultural affairs official of the government of Iran.

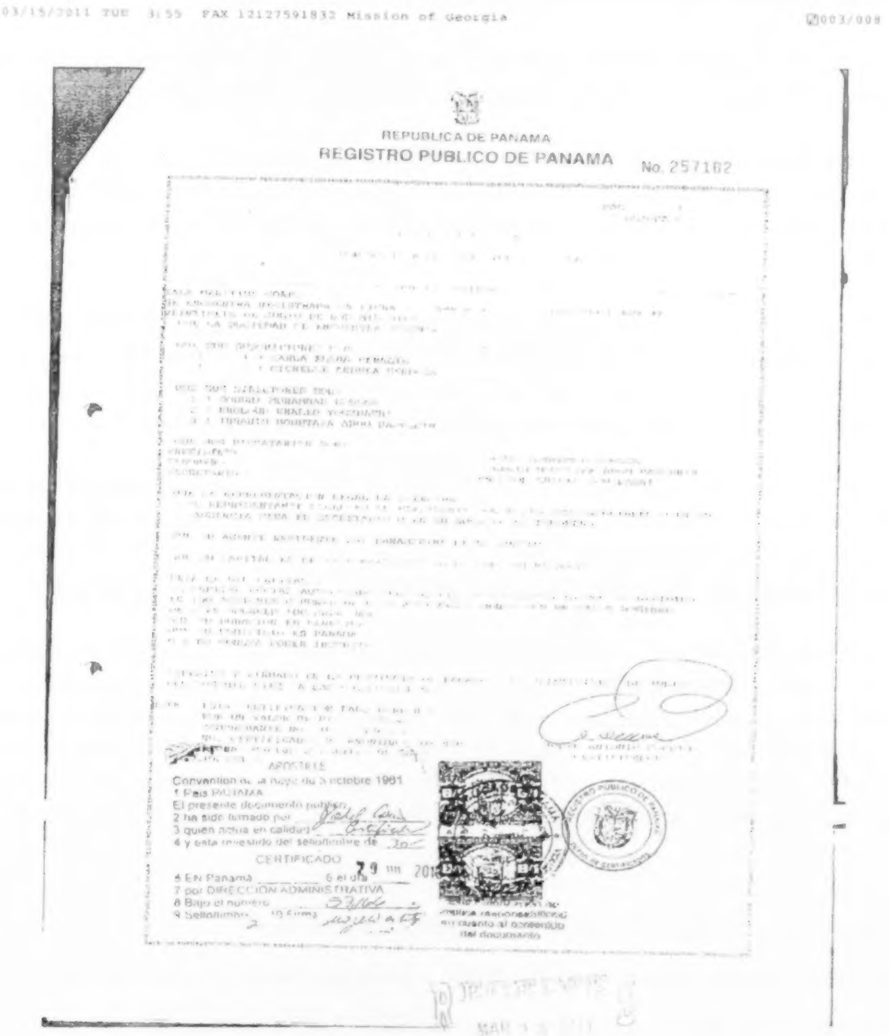
[5] Diplomats in Asmara in September 2010 and January 2011.

[6] Interview in September 2010.

[7] Interviews with diplomats in Asmara in September 2010 and January 2011, and with Eritrean source with government contacts in Massawa, November 2010.

Annex 9.2.: Copy of ownership documentation of the MV *Nizar M*

This document was provided to the Monitoring Gorup by the Ministry of Interior in Georgia. The documentation is barely legible, and a request to Panama for additional information was not responded to. However documents obtained by TransArms USA, and archived at the United Nations, have corroborated the names of all three directors of Tala Maritime Corporation, the owner of the Nizar M, as Soubhi Mohammed Koussa, Kholoud Khaled Youzbashi and Ibrahim Moustafa Abou Hassanin.



03/15/2011 TUE 3:55 FAX 12127591832 Mission of Georgia 003/008

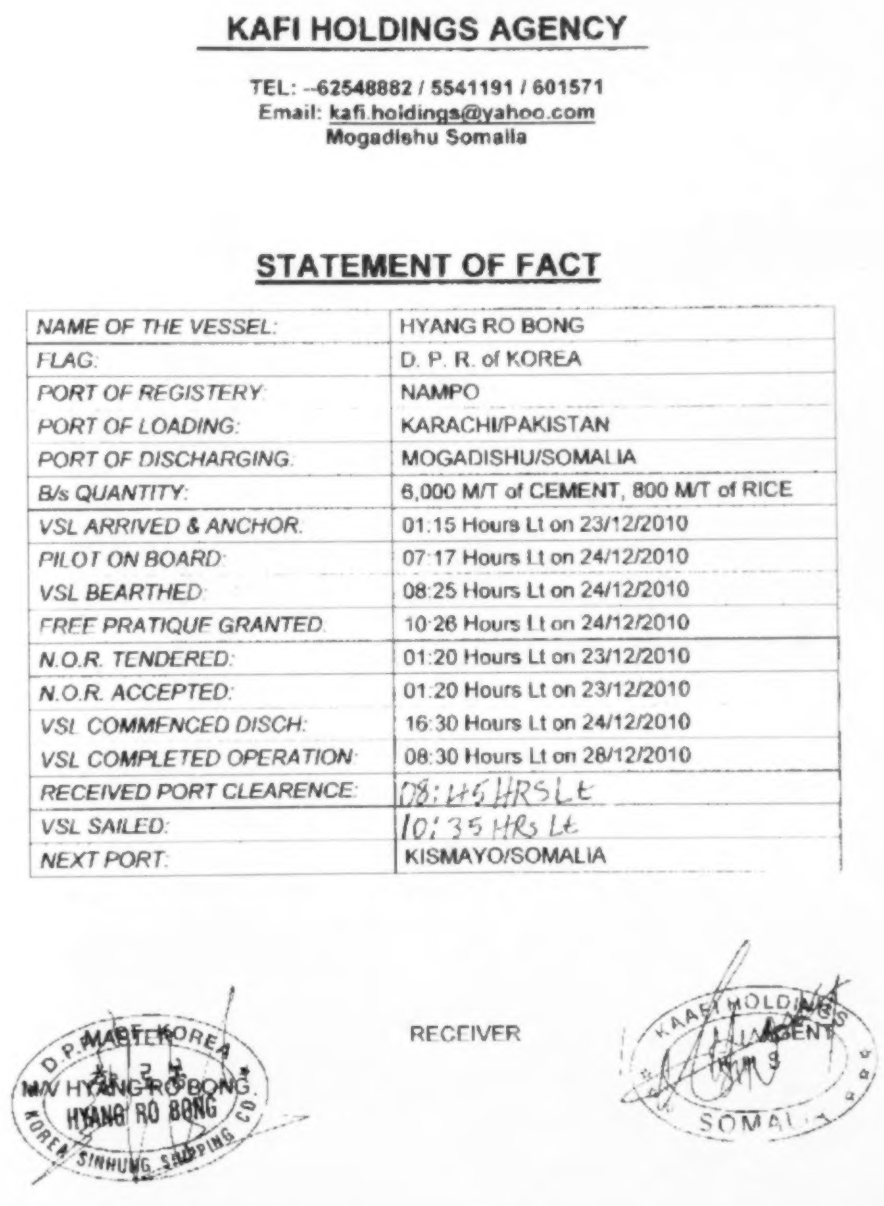
REPUBLICA DE PANAMA
REGISTRO PUBLICO DE PANAMA No. 257162

APOSTILLE
Convention de la haye du 5 octobre 1961
1 País PANAMA
El presente documento público
2 ha sido firmado por
3 quien actua en calidad
4 y esta revestido del sello/timbre de
CERTIFICADO
5 En Panama 6 el día 29 201
7 por DIRECCION ADMINISTRATIVA
8 Bajo el numero
9 Sello/timbre 10 Firma

MAR 1 5 2011

Annex 9.3.: Statement by Kafi Holdings Agency

Kafi Holdings, a company based in Mogadishu, received a cargo of cement and rice on the MV Hyang Ro Bong, before it set sail for the Al-Shabaab-controlled port of Kismaayo



KAFI HOLDINGS AGENCY

TEL: --62548882 / 5541191 / 601571
Email: kafi.holdings@yahoo.com
Mogadishu Somalia

STATEMENT OF FACT

NAME OF THE VESSEL:	HYANG RO BONG
FLAG:	D. P. R. of KOREA
PORT OF REGISTERY:	NAMPO
PORT OF LOADING:	KARACHI/PAKISTAN
PORT OF DISCHARGING:	MOGADISHU/SOMALIA
B/s QUANTITY:	6,000 M/T of CEMENT, 800 M/T of RICE
VSL ARRIVED & ANCHOR:	01:15 Hours Lt on 23/12/2010
PILOT ON BOARD:	07:17 Hours Lt on 24/12/2010
VSL BEARTHED:	08:25 Hours Lt on 24/12/2010
FREE PRATIQUE GRANTED:	10:26 Hours Lt on 24/12/2010
N.O.R. TENDERED:	01:20 Hours Lt on 23/12/2010
N.O.R. ACCEPTED:	01:20 Hours Lt on 23/12/2010
VSL COMMENCED DISCH:	16:30 Hours Lt on 24/12/2010
VSL COMPLETED OPERATION:	08:30 Hours Lt on 28/12/2010
RECEIVED PORT CLEARENCE:	08:45 HRS Lt
VSL SAILED:	10:35 HRs Lt
NEXT PORT:	KISMAYO/SOMALIA

MASTER
D.P.R. KOREA
M/V HYANG RO BONG
HYANG RO BONG
KOREA SINHUNG SHIPPING CO.

RECEIVER

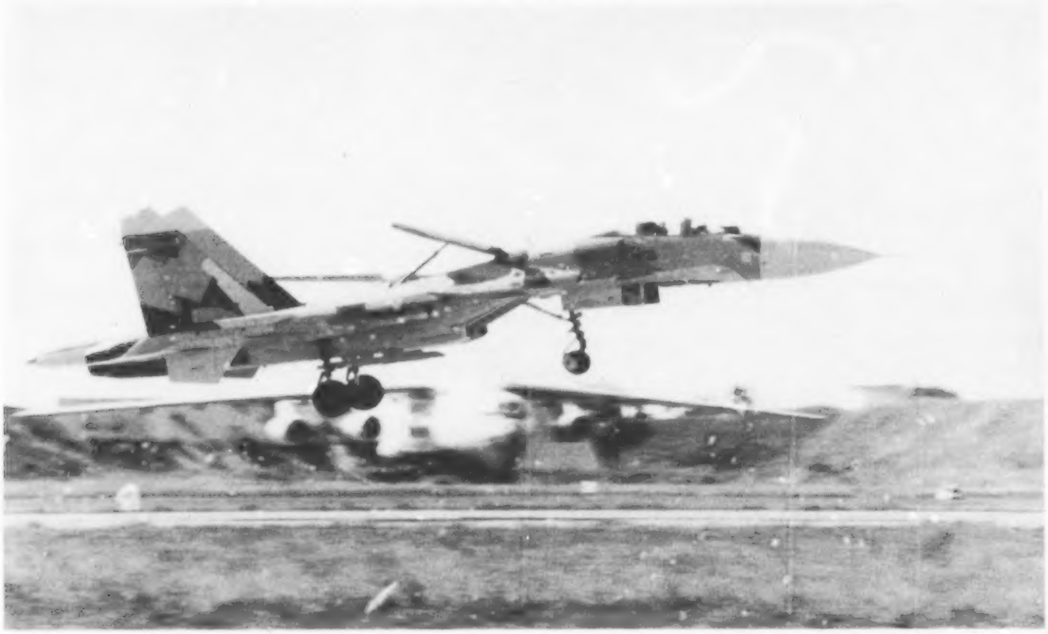
KAAFI HOLDINGS
AGENT
SOMALIA

Annex 10

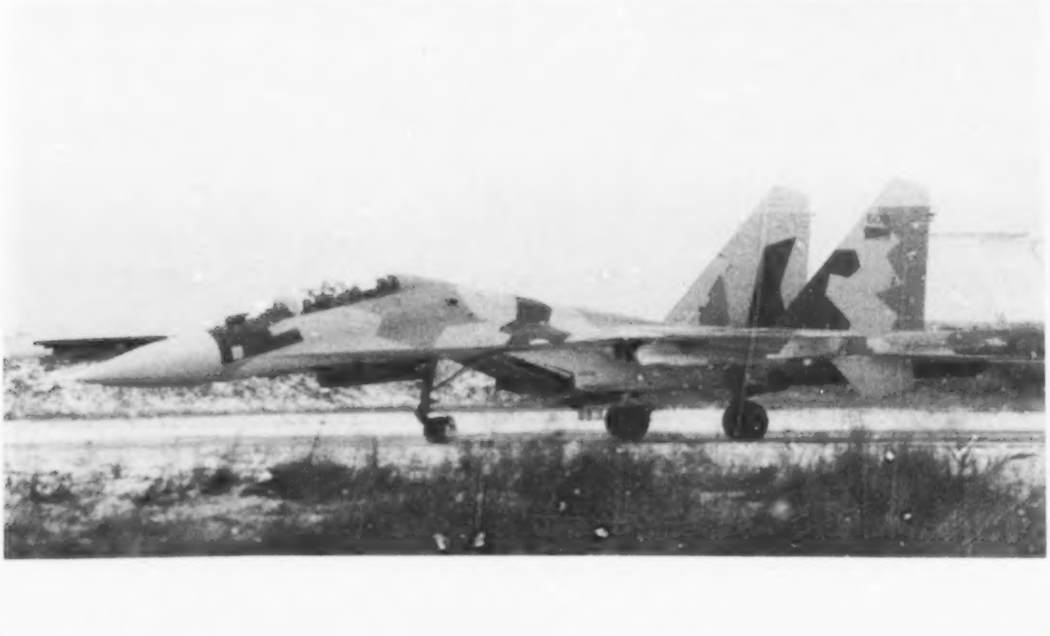
Aircraft maintenance

Annex 10.1:
Eritrean Sukhoi Su-27 at the "AviaRemontny Zavod VVO 713" aircraft maintenance facilities in Zaporozhye, Ukraine (date unknown)

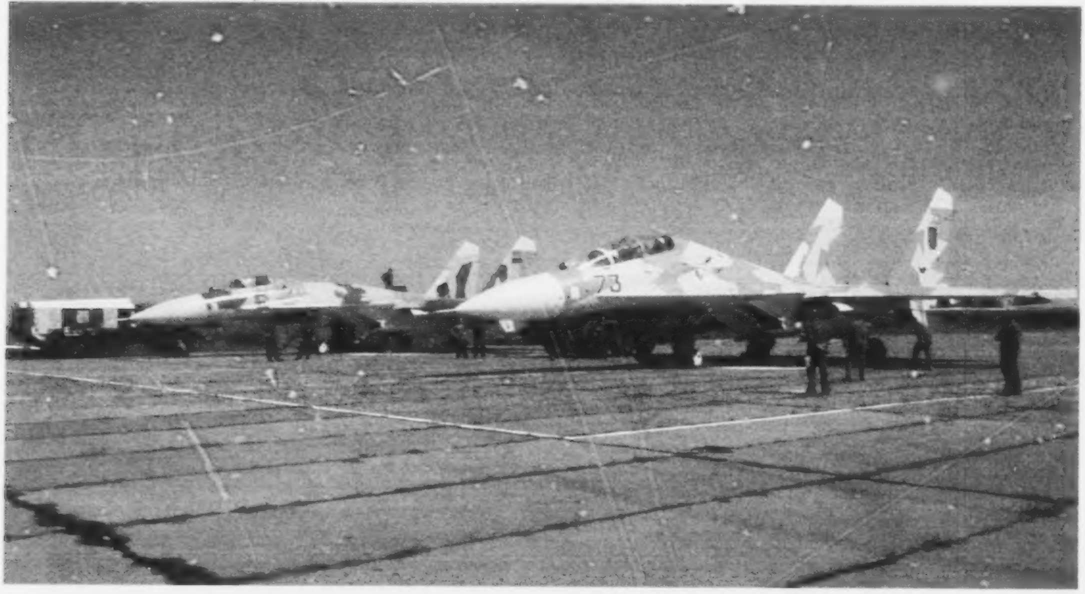
Su-27SK "Flanker" single-seater with Eritrean flag, ERAF camouflage paintings and "608"



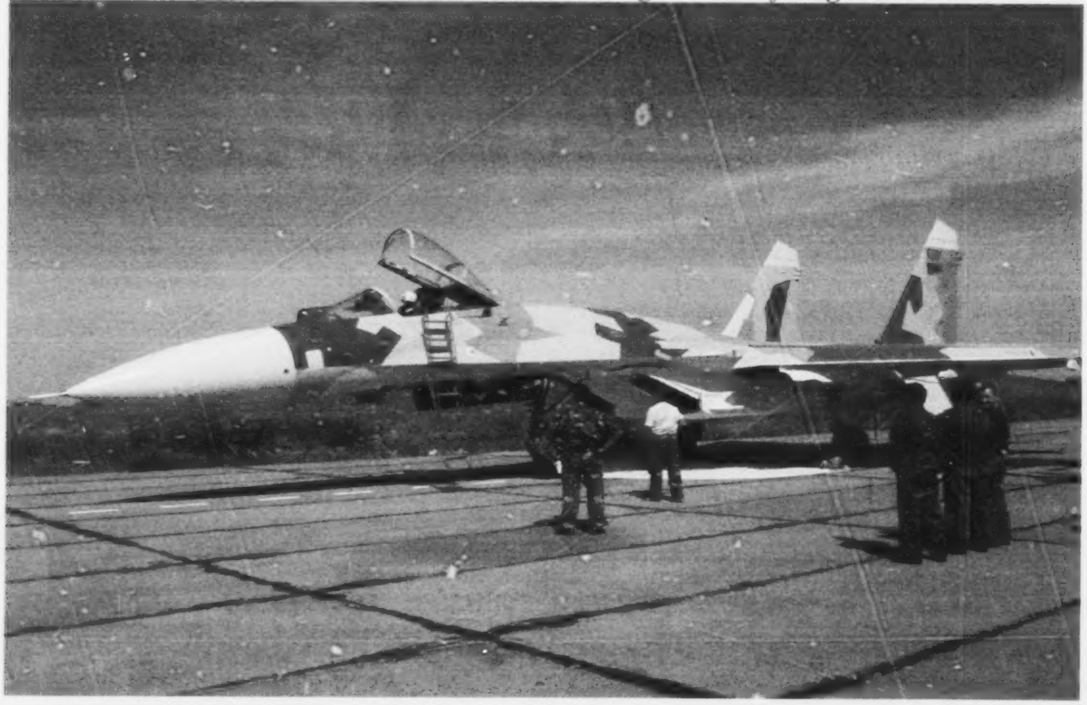
Su-27UB "Flanker" double-seater trainer aircraft with "609" markings



Eritrean Su-27SK with "608" marks along a Su-27UB "Flanker" double-seater with blue camouflage and the "73" marks of the Ukraine Air Force

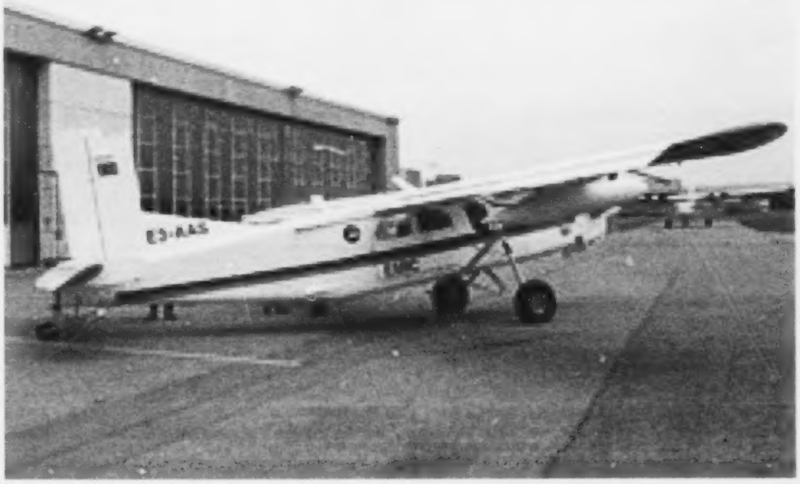


Eritrean Su-27SK with "608" marks together with foreign technicians

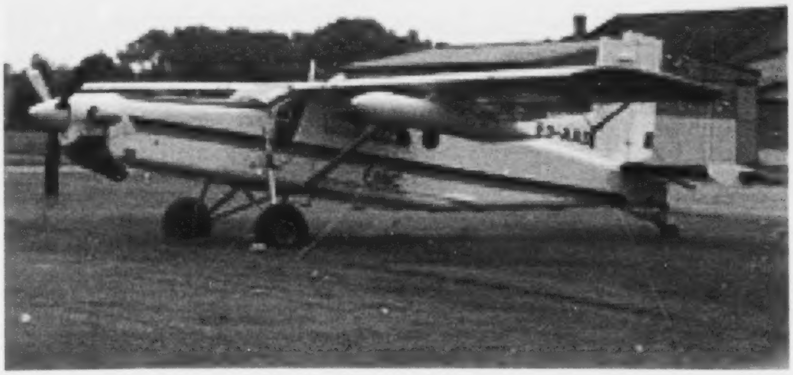


Annex 10.2:
Eritrean Pilatus Porter PC-6 bearing Eritrean flag, registration number E3-AAS and "EMIC" titles

Picture taken in Altenrhein, Switzerland, on 10 June 2010



Picture taken in Altenrhein, Switzerland, on 15 June 2010

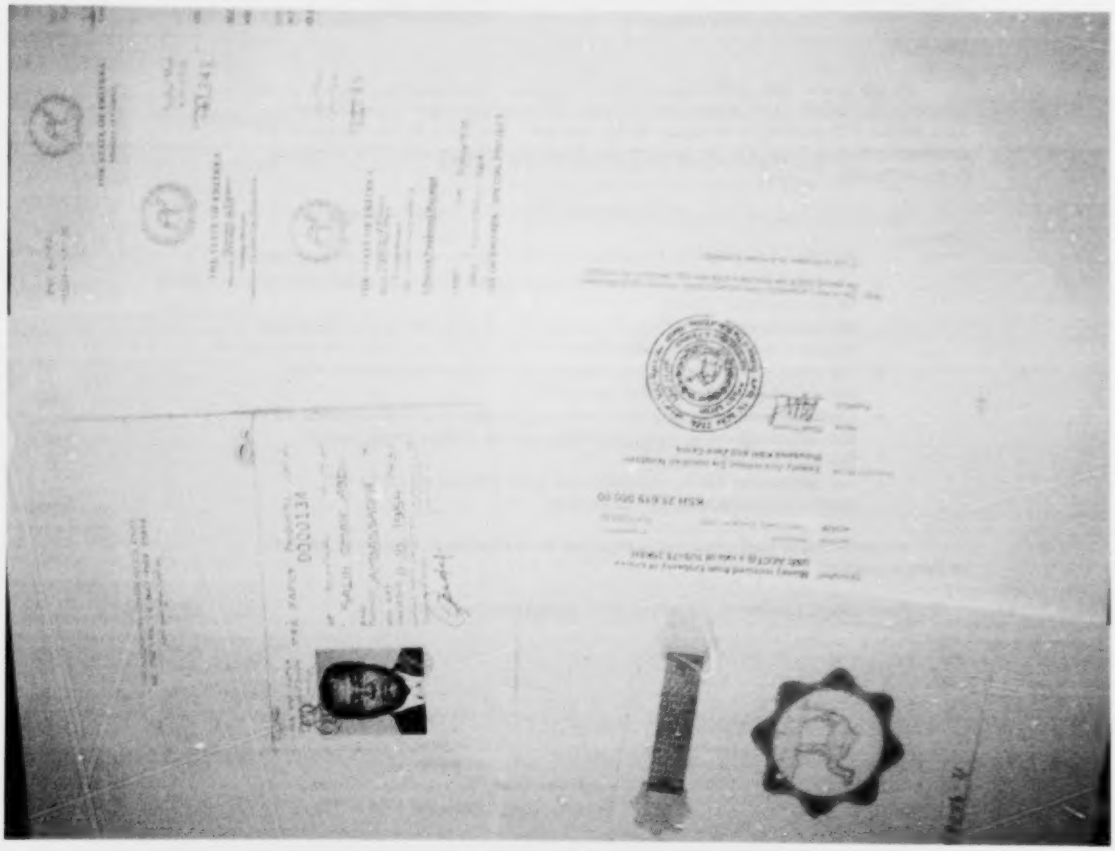


Annex 11

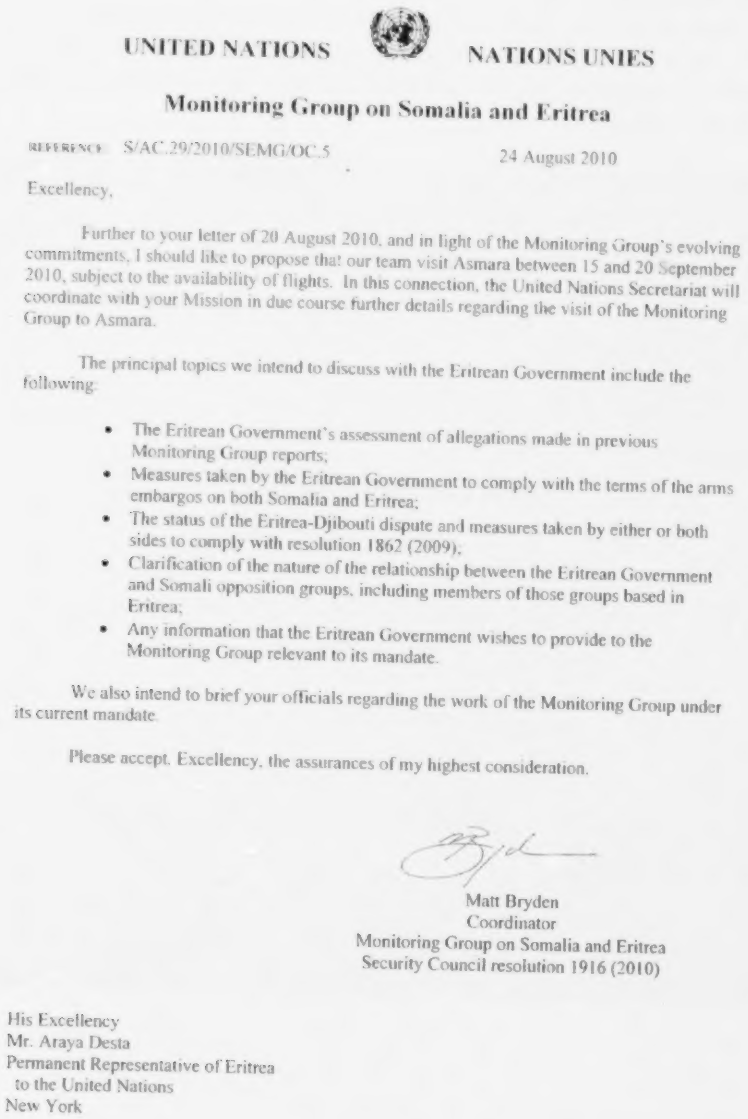
Financing

Annex 11.1.:
Sample documentation of financial contributions from Eritrean businessmen to the embassy of Eritrea in Kenya

Sample of documentation obtained by the Monitoring Group showing financial contributions from Eritrean businessmen in the East Africa region to the Embassy of the State of Eritrea in Kenya. A copy of the passport of Salih Omar Abdu, ambassador of the State of Eritrea in Kenya, has been included in the sample to demonstrate authenticity of the information. The original documentation has been archived in full at the United Nations.



Annex 12.:
Correspondence between the Monitoring Group and the Government of Eritrea



UNITED NATIONS NATIONS UNIES

Monitoring Group on Somalia and Eritrea

REFERENCE: S/AC.29/2010/SEMG/OC.5 24 August 2010

Excellency,

Further to your letter of 20 August 2010, and in light of the Monitoring Group's evolving commitments, I should like to propose that our team visit Asmara between 15 and 20 September 2010, subject to the availability of flights. In this connection, the United Nations Secretariat will coordinate with your Mission in due course further details regarding the visit of the Monitoring Group to Asmara.

The principal topics we intend to discuss with the Eritrean Government include the following:

- The Eritrean Government's assessment of allegations made in previous Monitoring Group reports;
- Measures taken by the Eritrean Government to comply with the terms of the arms embargos on both Somalia and Eritrea;
- The status of the Eritrea-Djibouti dispute and measures taken by either or both sides to comply with resolution 1862 (2009);
- Clarification of the nature of the relationship between the Eritrean Government and Somali opposition groups, including members of those groups based in Eritrea;
- Any information that the Eritrean Government wishes to provide to the Monitoring Group relevant to its mandate.

We also intend to brief your officials regarding the work of the Monitoring Group under its current mandate.

Please accept, Excellency, the assurances of my highest consideration.

Matt Bryden
Coordinator
Monitoring Group on Somalia and Eritrea
Security Council resolution 1916 (2010)

His Excellency
Mr. Araya Desta
Permanent Representative of Eritrea
to the United Nations
New York

Permanent Mission of Eritrea
to the United Nations

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البعثة الأرترية الدائمة لدى الأمم المتحدة

31 August 2010

Dear Mr. Bryden,

In reference to your letter of 24 August 2010 regarding the Monitoring Group's mission trip to Eritrea, I have the honour to inform you that the Government of Eritrea is ready to receive you in Asmara between 13 and 16 September 2010.

In this connection, I wish to reiterate that the Government of Eritrea welcomes the Group to Asmara and will do its best to make the Group's mission as productive as possible.

Please accept the assurances of my highest consideration.

Araya Desta
Ambassador
Permanent Representative

Mr. Matt Bryden
Coordinator
Monitoring Group on Somalia and Eritrea
Security Council resolution 1916 (2010)
United Nations
New York, NY 10017

800 Second Avenue, 18th Floor • New York, NY 10017 • Telephone (212) 687-3390 • Telefax (212) 687-3138

UNITED NATIONS NATIONS UNIES

Monitoring Group on Somalia and Eritrea

REFERENCE: S/AC.29/2010/SEMG/OC.10

6 October 2010

Excellency,

I have the honour to address you in my capacity as the Coordinator of the Somalia and Eritrea Monitoring Group (SEMG), established pursuant to Security Council resolution 1916 (2010).

The Monitoring Group would firstly like to thank you for facilitating its visit to Asmara, which took place from 11 to 17 September 2010, and avail itself of this opportunity to offer its gratitude to the Ministry of Foreign Affairs and other senior officials in Asmara for their contribution to the Group's programme in Eritrea.

During the course of the Group's mission, we made a number of specific requests for information of Eritrean authorities. I would like to take this opportunity to restate those requests and to seek your assistance in obtaining responses, as follows:

1. Red Sea Corporation officials informed the Group that the Corporation relies on the services of the People's Front for Democracy and Justice (PFDJ) procurement offices in London and Dubai, and that they would supply the Group with contacts of individuals managing these offices. We would be grateful that these contacts be provided as soon as possible.

2. We have advised the Civil Aviation Authority (CAA) in Asmara that the Group will request the opportunity to review flight logs for all flights to and from Eritrea from the period of 1 January 2009 onwards. The Group understands from its discussion with CAA officials that such logs have been manually recorded in Asmara and would either need to be transcribed or photocopied in order to be transmitted to the Group. The Group stands ready to discuss directly with CAA the practical modalities of preparing and submitting this documentation to the Group.

His Excellency
Mr. Araya Desta
Permanent Representative of Eritrea
 to the United Nations
New York

3. The Group posed a number of questions to Ministry of Defence and National Security Agency officials to which no response was immediately forthcoming, and which we intend to revisit during the Group's next visit to Eritrea. In the meantime however, and as discussed, we would be grateful that the Government of the State of Eritrea provide, as soon as possible, a complete list of individual Somalis to whom Eritrean identity or travel documents were issued since 1 January 2007 including:

- Full names
- Document type and number
- Issuing authority
- Date of issue
- Date of expiry
- Renewals (if any)

The Group would also like to take this opportunity to inform you that it proposes to visit Eritrea again on mutually convenient dates in mid-December 2010, and will coordinate arrangements with the Permanent Mission. During the course of that mission, the Monitoring Group requests that the Government of Eritrea arrange an on-site briefing on implementation of the agreement brokered between Eritrea and Djibouti to facilitate visits to the ports and airports of Massawa and Assab, and possibly other locations yet to be determined.

We would appreciate it if you could reply to the Monitoring Group by 21 October 2010 through the Secretary of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, Mr. Kiho Cha, United Nations, 730 3rd Avenue, TB 08040A, New York, New York 10017; fax number (212) 963-1300 or 3778; e-mail cha@un.org.

Please accept, Excellency, the assurances of my highest consideration

Matt Bryden
Coordinator
Monitoring Group on Eritrea and Somalia pursuant to
Security Council resolutions 751 (1992) and 1907 (2009)

Permanent Mission of Eritrea
to the United Nations

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البعثة الإرترية الدائمة لدى الأمم المتحدة

05 November 2010

Dear Mr. Bryden,

In reference to your letter dated 6 October 2010 regarding your request to visit Eritrea, I am pleased to inform you that the Ministry of Foreign Affair of the State of Eritrea is willing to meet with the Monitoring Group, on the period you indicated in your letter.

In this regard, I would highly appreciate, if you could inform the Permanent Mission of Eritrea to the UN the date of your arrival as well as how long the Group would like to stay in Eritrea. This will allow the Ministry to plan your visit accordingly.

Should you have any questions, please do not hesitate to contact the Permanent Mission of Eritrea to the United Nations in New York.

Please accept the assurances of my highest consideration.

Araya Desta
Ambassador Permanent Representative

Mr. Matt Bryden,
Coordinator
Monitoring Group on Eritrea and Somalia

800 Second Avenue, 18th Floor • New York, NY 10017 • Telephone (212) 687-3390 • Telefax (212) 687-3138

UNITED NATIONS NATIONS UNIES

Somalia and Eritrea Monitoring Group

REFERENCE: S/AC.29/2011/SEMG/OC.1 7 January 2011

Excellency,

I have the honour to address you in my capacity as Coordinator of the Somalia and Eritrea Monitoring Group (SEMG), established pursuant to Security Council resolution 1916 (2010).

Further to my letter of 2 December 2010 (S/AC.29/2010/SEMG/OC.36), and your discussion with the United Nations Secretariat on 30 December 2010, I understand that the Government of the State of Eritrea would welcome a two-person mission to Eritrea from the Monitoring Group between 22 and 28 January 2011.

In reference to my letter of 2 December 2010, the Monitoring Group would like to request an on-site briefing about the current situation at the border between Eritrea and Djibouti, with specific reference to any possible obstruction of the implementation of Security Council resolution 1862 (2009). In this connection, we would be grateful for an official response to allegations by the Government of Djibouti that the Government of Eritrea retains in custody a number of Djiboutian detainees. The Monitoring Group is aware that the State of Qatar is addressing the issues spelled out in resolution 1862 (2009) and will shortly request a meeting with officials in Doha in this regard.

During the course of its mission, the Monitoring Group intends to follow up on the questions posed in my letter of 6 October 2010 (S/AC.29/2010/SEMG/OC.10), which has been enclosed for ease of reference, to which no response has been received to date. The mission would also like to seek the responses of the Government of Eritrea on a range of other issues including, but not limited to:

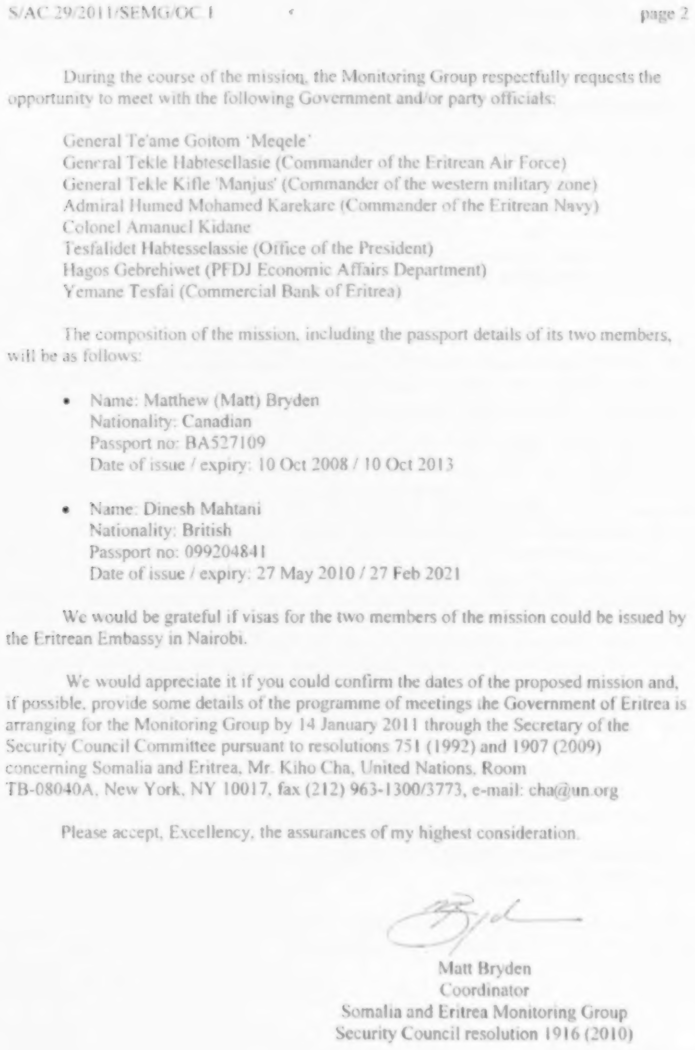
1. Information obtained by the Monitoring Group that appears to indicate that a group of Ogaden National Liberation Front (ONLF) fighters intercepted at the border between Ethiopia and Somalia in September 2010 had links to Eritrea;

2. Alleged links of the Djiboutian group, *le Front Pour la Restauration de la Démocratie* (FRUD), to Eritrea;

3. Financial transactions by certain Eritrean embassies, including alleged payments to Somalis in the United Arab Emirates, Kenya and Sudan.

/...

His Excellency
Mr. Araya Desta
Permanent Representative of Eritrea
to the United Nations
New York



During the course of the mission, the Monitoring Group respectfully requests the opportunity to meet with the following Government and/or party officials:

General Te'ame Goitom 'Meqele'
General Tekle Habtesellasie (Commander of the Eritrean Air Force)
General Tekle Kifle 'Manjus' (Commander of the western military zone)
Admiral Humed Mohamed Karekare (Commander of the Eritrean Navy)
Colonel Amanuel Kidane
Tesfalidet Habtesselassie (Office of the President)
Hagos Gebrehiwet (PFDJ Economic Affairs Department)
Yemane Tesfai (Commercial Bank of Eritrea)

The composition of the mission, including the passport details of its two members, will be as follows:

- Name: Matthew (Matt) Bryden
  Nationality: Canadian
  Passport no: BA527109
  Date of issue / expiry: 10 Oct 2008 / 10 Oct 2013

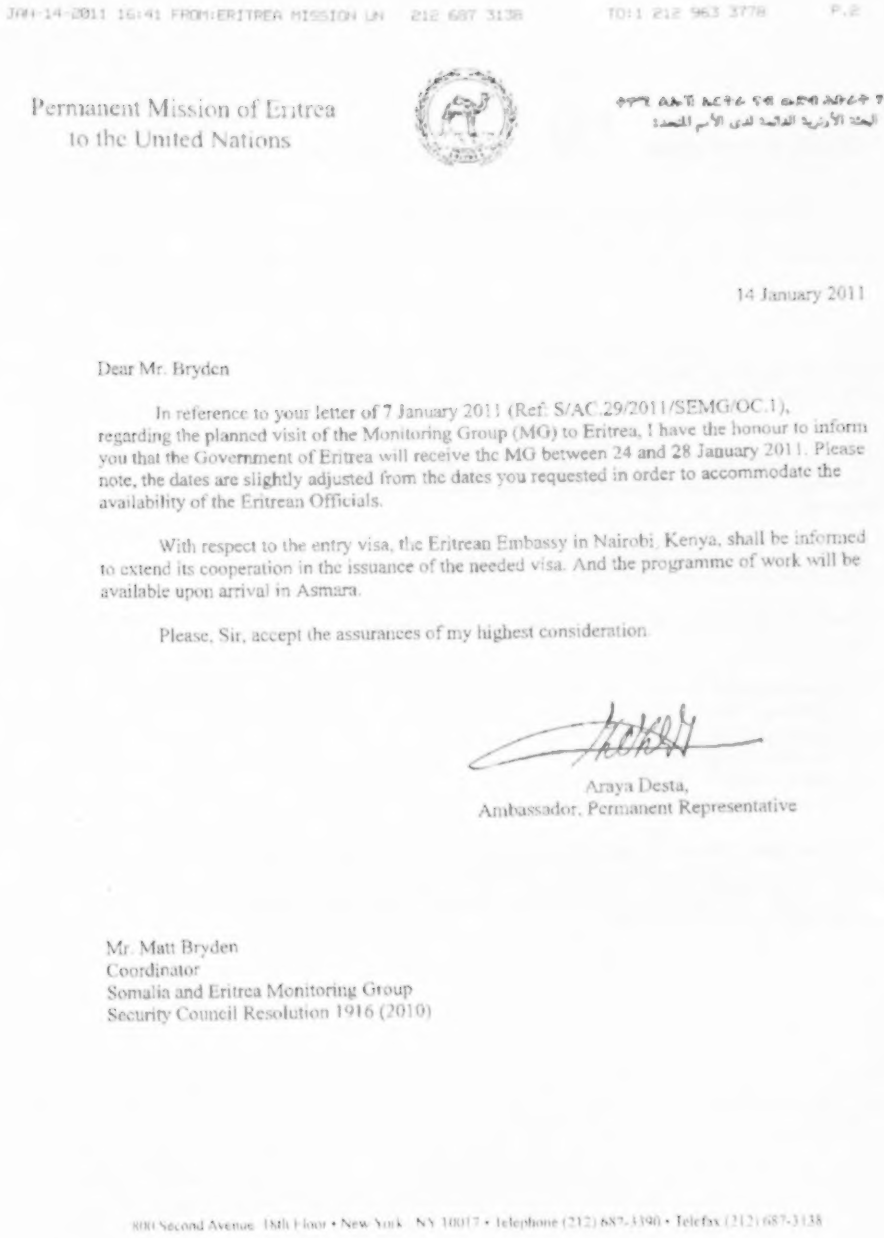
- Name: Dinesh Mahtani
  Nationality: British
  Passport no: 099204841
  Date of issue / expiry: 27 May 2010 / 27 Feb 2021

We would be grateful if visas for the two members of the mission could be issued by the Eritrean Embassy in Nairobi.

We would appreciate it if you could confirm the dates of the proposed mission and, if possible, provide some details of the programme of meetings the Government of Eritrea is arranging for the Monitoring Group by 14 January 2011 through the Secretary of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, Mr. Kiho Cha, United Nations, Room TB-08040A, New York, NY 10017, fax (212) 963-1300/3773, e-mail: cha@un.org

Please accept, Excellency, the assurances of my highest consideration.

Matt Bryden
Coordinator
Somalia and Eritrea Monitoring Group
Security Council resolution 1916 (2010)



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Permanent Mission of Eritrea
to the United Nations

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البعثة الأرترية الدائمة لدى الأمم المتحدة

14 January 2011

Dear Mr. Bryden

In reference to your letter of 7 January 2011 (Ref: S/AC.29/2011/SEMG/OC.1), regarding the planned visit of the Monitoring Group (MG) to Eritrea, I have the honour to inform you that the Government of Eritrea will receive the MG between 24 and 28 January 2011. Please note, the dates are slightly adjusted from the dates you requested in order to accommodate the availability of the Eritrean Officials.

With respect to the entry visa, the Eritrean Embassy in Nairobi, Kenya, shall be informed to extend its cooperation in the issuance of the needed visa. And the programme of work will be available upon arrival in Asmara.

Please, Sir, accept the assurances of my highest consideration.

Araya Desta,
Ambassador, Permanent Representative

Mr. Matt Bryden
Coordinator
Somalia and Eritrea Monitoring Group
Security Council Resolution 1916 (2010)

800 Second Avenue 18th Floor • New York NY 10017 • Telephone (212) 687-3390 • Telefax (212) 687-3138

UNITED NATIONS NATIONS UNIES

Somalia and Eritrea Monitoring Group

REFERENCE: S/AC.29/2011/SEMG/OC.11 18 February 2011

Excellency,

I have the honour to address you in my capacity as Coordinator of the Somalia and Eritrea Monitoring Group (SEMG) established pursuant to Security Council resolution 1916 (2010).

In follow-up to the SEMG's mission to Eritrea from 23 to 28 January 2011, we would be grateful if the Government of Eritrea could provide the following information in support of our ongoing investigations:

1. Details of all maritime vessels docked at or anchored off the port of Massawa between 18 and 22 November 2010.

2. Details of all in-bound and out-bound flights to and from Eritrea on the following dates:

   - 3 September 2010
   - 4 September 2010
   - 6 September 2010
   - 15 September 2010
   - 11 October 2010
   - 16 October 2010

3. Any information related to the deportation of Eritrean citizens, working on behalf of the Eritrean Embassy in Nairobi, who were deported from Kenya in 2009 and 2010. These individuals include Hanibal Menghstie and Negash Habte Tewolde (2009) and Amanuel Kidane (2010).

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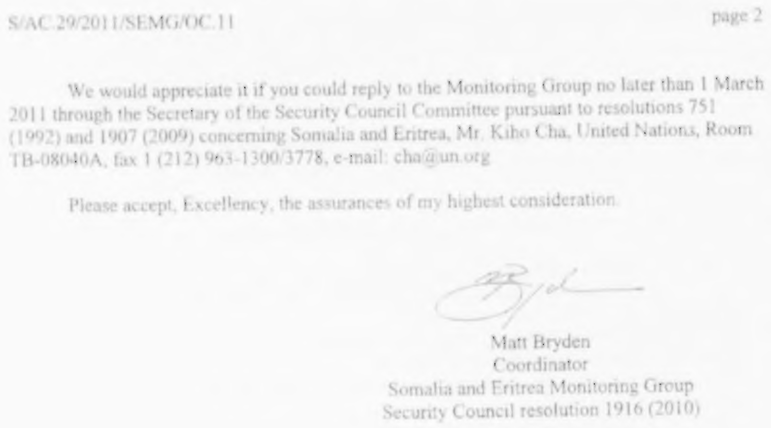
His Excellency
Mr. Araya Desta
Permanent Representative of Eritrea
to the United Nations
New York



We would appreciate it if you could reply to the Monitoring Group no later than 1 March 2011 through the Secretary of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, Mr. Kiho Cha, United Nations, Room TB-08040A, fax 1 (212) 963-1300/3778, e-mail: cha@un.org

Please accept, Excellency, the assurances of my highest consideration.

Matt Bryden
Coordinator
Somalia and Eritrea Monitoring Group
Security Council resolution 1916 (2010)

UNITED NATIONS NATIONS UNIES

Somalia and Eritrea Monitoring Group

REFERENCE: S/AC.29/2011/SEMG/OC.81 8 April 2011

Excellency,

I have the honour to address you in my capacity as Coordinator of the Somalia and Eritrea Monitoring Group (SEMG) established pursuant to Security Council resolution 1916 (2010).

In line with its mandate, the Monitoring Group is responsible for investigating:

- violations of the arms embargos on Somalia and Eritrea, which include financial support to armed groups or financial facilitation of arms embargo violations;
- acts that threaten the peace, security or stability of Somalia;
- obstruction of humanitarian assistance to Somalia;
- Eritrean support for individuals and groups responsible for destabilization of, or violence in, the region;
- obstruction of the implementation of resolution 1862 (2009) concerning Djibouti;
- obstruction of the work or investigations of the Monitoring Group.

Information received by the Monitoring Group appears to indicate that the Russian Aircraft Corporation (RAC) "Mig" was involved in maintaining and upgrading military aircraft in Eritrea in 2010.

These activities may represent a potential violation of the general and complete arms embargo on Eritrea imposed by United Nations Security Council resolution 1907 (2009).

I would therefore kindly request that you provide the Monitoring Group with further information and clarification on these activities, including:

- details of the contract signed between the Eritrean Government and RAC "Mig" or any of its affiliates or subsidiaries;
- a detailed list of the aircraft owned or operated by the Eritrean Government and maintained and/or upgraded by RAC "Mig"; and
- dates of travel of any representatives and/or employees of RAC "Mig" to Eritrea and the purpose of the travel.

/...

His Excellency
Mr. Araya Desta
Permanent Representative of Eritrea
to the United Nations
New York

We would appreciate it if you could reply to the Monitoring Group no later than 21 April 2011 through the Secretary of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, Mr. Kiho Cha, United Nations, Room TB-08040A, fax (212) 963-1300/3778, email: cha@un.org

Please accept, Excellency, the assurances of my highest consideration.

Matt Bryden
Coordinator
Somalia and Eritrea Monitoring Group
Security Council resolution 1916 (2010)

UNITED NATIONS NATIONS UNIES

Somalia and Eritrea Monitoring Group

REFERENCE: S/AC.29/2011/SEMG/OC.99 15 April 2011

Excellency,

I have the honour to address you in my capacity as Coordinator of the Somalia and Eritrea Monitoring Group (SEMG) established pursuant to Security Council resolution 1916 (2010).

In line with its mandate, the Monitoring Group is responsible for investigating:

- violations of the arms embargos on Somalia and Eritrea;
- acts that threaten the peace, security or stability of Somalia;
- obstruction of humanitarian assistance to Somalia;
- Eritrean support for individuals and groups responsible for destabilization of, or violence in, the region;
- obstruction of the implementation of resolution 1862 (2009) concerning Djibouti;
- obstruction of the work or investigations of the Monitoring Group.

The Monitoring Group has also been informed that between November and December 2009, Mr. Yemane Tesfai, Director of the Commercial Bank of Eritrea, and General Tekle Habteselassie both visited Ukraine as part of an official delegation with the aim of procuring military goods and/or services.

Since then, information received by the Monitoring Group indicates that a Ukrainian company has apparently been engaged in the maintenance of military aircraft in Eritrea in 2010. Such services may represent a potential violation of the general and complete arms embargo on Eritrea imposed by Security Council resolution 1907 (2009).

I would therefore respectfully request that you provide the Monitoring Group with further information and clarification on these activities, including:

- the purpose of the Eritrean delegation's visit to Ukraine in late 2009, officials met and any agreements or contracts concluded that may relate to goods or services prohibited by resolution 1907 (2009);

/...

His Excellency
Mr. Araya Desta
Permanent Representative of Eritrea
to the United Nations
New York

- details of the contract signed between the Eritrean Government and Ukrspetsexport, the Ukranian state company for export and import of military and special products and services, or one of its affiliate companies;
- a detailed list of the aircraft owned or operated by the Eritrean Government and maintained and/or upgraded by Ukrspetsexport; and
- dates of travel to Eritrea of representatives and/or employees of Ukrspetsexport and composition of the delegation.

We would appreciate it if you could reply to the Monitoring Group no later than 29 April 2011 through the Secretary of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, Mr. Kiho Cha, United Nations, Room TB-08040A, New York, NY 10017, fax: +1-212-963-1300/3778, email: cha@un.org

Please accept, Excellency, the assurances of my highest consideration.

Matt Bryden
Coordinator
Somalia and Eritrea Monitoring Group
Security Council resolution 1916 (2010)

Permanent Mission of Eritrea
to the United Nations

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البعثة الأرترية الدائمة لدى الأمم المتحدة

17 May 2011

Dear Mr. Bryden,

Pursuant to your letters of 18 February, 8 April and 15 April of this year, I have the honour to provide the following information:

1. Details of all maritime vessels docked at or anchored off the port of Massawa, between 18-22 November, 2010,

   During the said period, only one ship visited the port of Massawa. That ship, the ***Dorrat Jeddah***, arrived on November 19, 2010, with cargo originating in Jeddah, Saudi Arabia. It carried containerized and uncontainerized cargo as well as 47 vehicles, with a total tonnage of 1430 tons. Apart from the vehicles, the cargo consisted of construction materials, food stuffs and household equipment.

2. Details of in-bound and out-bound flights to and from Eritrea on September 3, 4, 6, 15 September and 11, 16 October,

   This matter was raised with the Monitoring Group during its last visit to Asmara and information was provided. Apart from that, there were only scheduled flights by commercial airlines flying to Asmara- Yemen Airways, Egypt Air, Lufthansa, Nas Air and Sudan Airways. The only non scheduled flight was an Eritrean Airlines flight on 15 September from Asmara to Jeddah.

3. Information about military equipment and aircraft,

   The Government of Eritrea has repeatedly informed the Monitoring Group that its requests for detailed information about Eritrea's military equipment go well beyond the mandate of the Group and seriously infringe on Eritrea's sovereignty.

Matt Bryden
Coordinator
Somalia and Eritrea Group
Security Council Resolution 1916 (2010)

800 Second Avenue, 18th Floor • New York, NY 10017 • Telephone (212) 687-3390 • Telefax (212) 687-3138

In addition to information and clarification presented here, the Government of Eritrea has provided additional information in face to face meetings with members of the Group in regards to some of the issues raised by the Monitoring Group.

The Eritrean Government has limited itself in this reply to answer the specific requests of the Monitoring Group for information and clarification. It intends to make its substantive presentation on the whole issues of sanctions at a later date.

Please accept, Sir, the assurances of my highest consideration.

Araya Desta
Ambassador, Permanent Representative

Annex 13.: State cooperation with the Monitoring Group

State	Letters sent*	Requested info fully received	Requested info partially received	Requested info not received**
United Arab Emirates	11	0	2	9
China	8	3	1	4
Eritrea	9	4	1	4
Saudi Arabia	4	0	1	3
Panama	3	0	0	3
USA	6	0	4	2
UK	3	1	0	2
Egypt	2	0	0	2
Sweden	2	0	0	2
Guinea-Bissau	2	0	0	2
Somalia	2	0	1	1
Sri Lanka	1	0	0	1
Oman	1	0	0	1
Ghana	1	0	0	1
Lithuania	1	0	0	1
Syria	1	0	0	1
Belarus	1	0	0	1
Tanzania	1	0	0	1
Sierra Leone	1	0	0	1
Malta	1	0	0	1
Switzerland	1	0	0	1
South Africa	1	0	0	1
Yemen	2	1	0	1
Sudan	2	1	0	1
Ukraine	1	0	1	0
Liberia	1	1	0	0
Ethiopia	1	1	0	0
Qatar	1	1	0	0
India	1	1	0	0
Italy	1	1	0	0
Latvia	1	1	0	0
Netherlands	1	1	0	0
Georgia	1	1	0	0
Gibraltar	1	1	0	0
Romania	1	1	0	0
Bulgaria	2	2	0	0
Kenya	2	2	0	0

Djibouti	2	2	0	0
France	2	2	0	0
Japan	2	2	0	0
Lebanon	2	2	0	0
Guinea	2	2	0	0
Russian Federation	4	4	0	0

* Only includes official correspondence sent from the Monitoring Group via the Security Council Sanctions Branch at the UN Secretariat to UN Member States' Permanent mission.

** This implies that either no response was received by the Monitoring Group, or that the response was deemed insufficient